

for sale upon foreclosure and is not sold for want of bidders, it eo instanti passes to the State as forfeited land, but I do not believe that was the legislative intent when the statute was enacted. Had it been the purpose of the General Assembly to pass the land to the State as forfeited land when once offered and not sold for want of bidders, it could have said so by merely adding the insignificant adverb "once."

I am forced to this conclusion from the fact that in no other form or class of judicial sale, is the Court confined to one offering.

Another reason: The words "in the manner provided by law for the sale of real estate on execution" applies to actions brought in the Municipal Court only. There was a reason for such provision. A Municipal Court has no general equity jurisdiction and it was a matter of "safety-first" to provide for the sale as upon execution.

And that is not all. Forfeiture under the statute merely vests the title to the lands in the State for the purpose of securing to it the unpaid taxes charged against such lands.

Thevenin vs. Slocum, 16 Ohio, page 519;

Woodward vs. Sloan, 27 Ohio State, page 592.

The State wants money, it does not want land and the General Assembly knows this probably better than any other branch of government; hence, it is almost inconceivable that it would enact a law that would force the State to take the land, so long as a reasonable opportunity was afforded for it to get its money.

I am of the opinion that you can again offer this land for sale upon an alias order.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

475.

APPROVAL—TWO GRANTS OF EASEMENT EXECUTED TO THE STATE OF OHIO BY PROPERTY OWNERS IN PRAIRIE AND TRURO TOWNSHIPS, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, April 16, 1937.

HON. L. WOODDELL, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval two certain grants of easement executed to the State of Ohio by prop-

erty owners in Truro and Prairie Townships, Franklin County, Ohio, conveying to the State of Ohio, for the purposes therein stated, certain tracts of land in said townships and county.

The grants of easement here in question, designated with respect to the number of the instrument and the name of the grantor, are as follows:

Number	Name
539	F. E. & A. M. Lodge No. 340
699	John W. Galbreath

By the above grants there is conveyed to the State of Ohio, certain lands described therein, for the sole purpose of using said lands for public fishing grounds, and to that end to improve the waters or water courses passing through and over said lands.

Upon examination of the above instruments, I find that the same have been executed and acknowledged by the respective grantors in the manner provided by law and am accordingly approving the same as to legality and form, as is evidenced by my approval endorsed thereon, all of which are herewith returned.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

476.

APPROVAL—LEASE OF RESERVOIR LAND TO HARRY
MECHWART OF GAHANNA, OHIO.

COLUMBUS, OHIO, April 16, 1937.

HON. L. WOODDELL, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval a reservoir land lease in triplicate executed by you as Conservation Commissioner to one Harry Mechwart of Gahanna, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$24.00, payable in semiannual installments of \$12.00 each, there is leased and demised to the lessee above named the right to occupy and use for cottage site and landing purposes that portion of the inner slope and waterfront and the outer slope and borrow pit adjacent thereto of the northerly embankment of