

for each year of such loan, there must be an amortization of four per centum or more of the principal amount of said loan.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1051.

APPROVAL, LEASE EXECUTED BY THE CITIZENS SAVINGS BANK, OF MARTINS FERRY, IN AND BY WHICH IT LEASES TO THE STATE OF OHIO CERTAIN PREMISES IN THE CITY OF MARTINS FERRY, BELMONT COUNTY, OHIO.

COLUMBUS, OHIO, August 23, 1937.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication with which you submit for my examination and approval a certain lease executed by The Citizens Savings Bank, of Martins Ferry, in and by which it leases to the State of Ohio, acting by and through you as Superintendent of Public Works and as Director of said department, certain premises in the city of Martins Ferry, Belmont County, Ohio, and more particularly described as "That suite of office rooms, numbered One (1), Two (2) and Three (3), on the second floor of the Citizens Bank Building, located on the South West corner of Fourth and Walnut Streets in said city." By this lease, which is one for the use of the Department of Industrial Relations of the State of Ohio, and is for a term of eighteen months beginning on the 1st day of July, 1937, and ending on the 31st day of December, 1938, it is provided that said lessee shall pay as rent for said premises the sum of \$600.00 per annum, in monthly installments of \$50.00 each, during the term of said lease.

This lease is one which you are authorized to take under the provisions of Section 154-40, General Code, which among other things authorizes you to acquire by lease office space in buildings for the use of state offices, boards and commissions. Inasmuch as the lease has been properly executed by said lessor and the terms and conditions of this lease are in all respects in conformity to law, this lease is found to be in proper form.

Accompanying this lease is contract encumbrance record No. 82, which covers a monthly rental under this lease for the month of July and August, 1937. As pointed out to you in former opinions approving leases of this kind, this contract encumbrance record is sufficient compliance with the provisions of Section 2288-2, General Code.

I am accordingly approving this lease and the same is herewith returned.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

1052.

WATERWORKS FUNDS MAY NOT BE DIVERTED TO CITY'S
GENERAL FUND.

SYLLABUS:

A city may not by ordinance or otherwise divert waterworks funds for the purpose of compensating such city for services rendered to the waterworks department by officers or employes of the city who are compensated from the general fund.

COLUMBUS, OHIO, August 23, 1937.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:

Your letter of recent date is as follows:

"We are inclosing herewith letter from our Springfield Examiner, in which it is shown that the officials of that city pay from the waterworks funds certain fixed amounts to the general fund annually, to cover the 'valuable service' rendered by the general executive and administrative departments, as per Section 1 of Ordinance No. 3322, as adopted by the Commission of that city April 18, 1932, and quoted as follows:

'The City of Springfield, Ohio, shall make a charge for the valuable services rendered by the City Commission, City Manager, City Treasurer, City Auditor, City Solicitor, Health, Engineering, Municipal Garage and Safety Departments, against the Waterworks of said City in the sum of \$833.33 monthly, and said Waterworks Department shall pay said sum in quar-