

4661.

APPROVAL, LEASE TO RESERVOIR LANDS AT LAKE LORAMIE, OHIO.

COLUMBUS, OHIO, September 30, 1932.

HON. EARL H. HANEFELD, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication submitting for my examination and approval a certain lease in triplicate by which there is leased and demised to the lessee therein named a certain parcel reservoir land at Lake Loramie.

Said lease is for a term of fifteen years and calls for an annual rental of six per cent upon the appraised value of the parcel of land leased. The lease above referred to is the following:

Lessees.	Valuation.
Ray Westerheide, Andrew Steinemann and Ernest Nagel, Minster, Ohio	\$333.34

Upon examination of said lease and the provisions thereof, I find that the same has been executed in conformity with the authority and provisions of Section 471, General Code, and in conformity with the requirements of other statutory provisions relating to leases of this kind.

My examination also discloses that one of the provisions is of doubtful authority and effect, but I do not think said provision affects the validity of the lease or its main purposes as provided by the valid provisions therein. Such provision has reference to a new lease being required from the State at the expiration of this lease by the actual owners of the building or buildings located upon said ground and the ground used in connection therewith.

However, I do not think that the provision of the lease above discussed, in any wise, affects the other provisions of the lease which are within the scope and authority of statutory provisions relating to leases of this kind, and said lease is, accordingly, hereby approved as to legality and form as is evidenced by my authorized signature upon said lease and upon the duplicate and triplicate copies thereof.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4662.

MUNICIPAL HOSPITAL—MUNICIPALITY NOT LIABLE IN TORT FOR INJURY TO PATIENTS OR THIRD PERSONS THROUGH NEGLIGENCE OF ITS SERVANTS OR AGENTS.

SYLLABUS:

A municipal corporation, in the construction, operation and maintenance of a municipal hospital by favor of Sections 4023 et seq., of the General Code of Ohio, is in the performance of a governmental function and is not liable in tort either