

"Said annual license fee is based upon the number of stores operated by the same interests as follows:

One store	\$3.00
Two to five stores.....	\$25.00 each
Six to ten stores	\$250.00 each
More than ten stores	\$1000.00 each."

The proposed law does not provide a state license fee for each store classified according to the total number of stores owned by a company but does provide for a graduated fee for additional stores within the different classifications. By way of example, according to the schedule of fees in the proposed law, a company operating three stores would be required to pay a license fee of \$3.00 for one of the stores and \$25.00 each for the other two. As stated in the summary, the company would be required to pay a license fee of \$25.00 for each of the three stores. The schedule of license fees in the proposed law is not based on each store but the graduated fee applies only to the additional stores within the different classifications. The fee is the same on the first store whether the company owns one store or one hundred stores. The graduated schedule of fees is cumulative within the different classes, based on the number of stores, and is not, as stated in the summary, a graduated fee to be charged for each store based upon the total number of stores of the company.

The summary is in other respects not a fair statement of the proposed law, but in consideration of the foregoing it is not necessary that the variances be considered at this time.

I therefore decline to certify that the summary of the proposed law contained in the petition is a fair and truthful statement of the proposed law.

Respectfully,

JOHN W. BRICKER,
Attorney General.

865.

APPROVAL, CERTAIN OIL AND GAS LEASE—ARNOLD OIL AND GAS
COMPANY OF BREMEN, OHIO.

COLUMBUS, OHIO, May 24, 1933.

HON. JOSEPH T. TRACY, *Auditor of State, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication submitting for my examination and approval a certain oil and gas lease in duplicate executed by you in your official capacity to the Arnold Oil and Gas Company of Bremen, Ohio. By this instrument, there is leased and demised to the lessee above named for the term of one year, and for as much longer as oil or gas is found in paying quantities, all of the oil deposits and natural gas in a certain parcel of Section 16 School Lands, which parcel of land is more particularly described as follows:

Situated in the Civil Township of Reading, County of Perry and State of Ohio, and being the East half of the N. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of Section 16, Township 16, Range 16, containing $21\frac{1}{8}$ acres, more or less.

The lease here in question, which in a measure is subject to certain rights in the survey of said land now owned and held by one Frank W. Arnold, and which provides for certain rentals on a royalty basis, is executed under the authority of section 3209-1, General Code. Although many of the provisions of this section of the General Code relating to leases of this kind and defining the rights of lessees under such leases with respect to those of persons holding surface rights in the lands leased have not been set out as conditions or other provisions in this lease, such statutory provisions are to be read into the lease and become a part thereof. It is sufficient to note in this connection that this lease and its provisions are not inconsistent with any of the provisions of this section of the General Code above noted nor with those of any other section of the General Code relating to leases of this kind.

The lease has been properly executed and acknowledged by you and by the lessee above named. And inasmuch as I find, as above noted, that the provisions of this lease are in conformity with statutory provisions, the same is herewith approved by me as to legality and form as is evidenced by my approval endorsed upon the lease and upon the duplicate copy thereof, which are herewith returned.

Respectfully,

JOHN W. BRICKER,
Attorney General.

866.

APPROVAL, NOTES OF RUSHCREEK RURAL SCHOOL DISTRICT,
FAIRFIELD COUNTY, OHIO, \$5,000.00.

COLUMBUS, OHIO, May 24, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

867.

APPROVAL, NOTES OF LORAIN CITY SCHOOL DISTRICT, LORAIN
COUNTY, OHIO, \$35,000.00.

COLUMBUS, OHIO, May 24, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

868.

APPROVAL, PETITION FOR PROPOSED AMENDMENT TO THE OHIO
CONSTITUTION AMENDING ARTICLE I BY THE ADDITION OF
SECTION 19 (b).

COLUMBUS, OHIO, May 25, 1933.

MR. GUY H. WELLS, *Dayton, Ohio.*

DEAR SIR:—Pursuant to section 4785-175, General Code, you have submitted