

5234.

## APPROVAL—CERTAIN LEASE, ETC., TO LAND IN LODI TOWNSHIP, ATHENS COUNTY, OHIO—OHIO FUEL GAS COMPANY OF COLUMBUS, OHIO.

COLUMBUS, OHIO, March 12, 1936.

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

DEAR SIR: This is to acknowledge receipt of your communication under date of March 11, 1936, with which you enclose for my examination and approval a certain lease in duplicate in and by which in consideration of the payment of the sum of \$250 and of the rentals and royalties therein provided for, you lease and demise to The Ohio Fuel Gas Company of Columbus, Ohio, for a term of one year from this date, and for as much longer thereafter as oil or gas is found in paying quantities, all the oil and natural gas in and under said Section 29 Ministerial Lands in Lodi Township, Athens County, Ohio, said lands being located in Range 13, Section 29, Ohio Company Survey, and being the west half of the northeast, southeast and southwest quarter sections of said section in the township and range aforesaid.

This lease is one executed by you under the authority of section 3209-1, General Code, which authorizes the Auditor of State to lease for oil, gas, coal or other minerals, any unsold portions of section 16 and section 29, or other lands granted in lieu thereof, of the original surveyed townships, for the support of schools and religion, to any person, persons, partnership or corporation upon such terms and for such time as will be for the best interest of the beneficiaries of such school or ministerial lands.

Upon examination of this lease, I find that the same has been properly executed and acknowledged by you as Auditor of State. Assuming, but not deciding, that a lease of this kind is required to be signed and acknowledged by or on behalf of the lessee therein named, it is noted that although this lease is signed by The Ohio Fuel Gas Company by the hand of its Vice-President who likewise acknowledges the lease, it does not appear therein by recital or otherwise that the act of the Vice-President in signing and acknowledging this lease in the name of the company and on its behalf was authorized by the Board of Directors of said company. However, it appears that the corporate seal of The Ohio Fuel Gas Company was affixed to this lease, presumably by the Secretary of the company who attested the execution of the instrument. By reason of this fact, I am of the opinion that the lease is properly executed by The Ohio Fuel Gas Company, the lessee named in this lease.

Upon a consideration of the terms and conditions of this lease, I am

of the opinion that they are in substantial conformity with the requirements of the section of the General Code under the authority of which this lease is executed, and that they are such as the Auditor of State is authorized to insert in a lease of this kind.

I am accordingly approving this lease as is evidenced by my approval endorsed upon the lease and upon the duplicate copy thereof, both of which are herewith enclosed.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

5235.

APPROVAL—CONTRACT FOR HEATING FOR PROJECT KNOWN AS DEPARTMENT No. 4 BUILDING, INSTITUTION FOR FEEBLE-MINDED, COLUMBUS, OHIO, \$5,523.00, STANDARD ACCIDENT INSURANCE COMPANY OF DETROIT, MICHIGAN, SURETY—HUFFMAN-WOLFE COMPANY OF COLUMBUS, OHIO, CONTRACTOR.

COLUMBUS, OHIO, March 12, 1936.

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

DEAR SIR: You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works for the Department of Public Welfare, and the Huffman-Wolfe Company of Columbus, Ohio. This contract covers the construction and completion of contract for Heating for a project known as Department No. 4, Building, Institution for Feeble-Minded, Columbus, Ohio, in accordance with Item No. 2 and Item No. 3, (Alt. H-1) of the form of proposal dated January 13, 1936. Said contract calls for an expenditure of five thousand five hundred and twenty-three dollars (\$5,523.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract, when supplemented by moneys coming from the federal government. You have also submitted certificates of the Controlling Board showing that such board has released moneys for this project, in accordance with section 1 of House Bill No. 69 of the second special session of the 90th General Assembly. In addition, you have submitted a contract bond upon which the Standard Accident Insurance Company of Detroit, Michigan, appears as surety, sufficient to cover the amount of the contract.