

executed by you as Conservation Commissioner and by The Ohio Power Company, the lessee therein named, acting by the hand of its Vice President pursuant to the authority of the Board of Directors of said company expressed in a resolution of such Board of Directors under date of July 8, 1935.

I am, accordingly, approving this lease as to legality and form, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

It is noted that in the first line of this lease instrument the lease is referred to as one "entered into this 11th day of July, 1935." Inasmuch as under the law leases of this kind are not effective until they have been approved by the Governor and the Attorney General and since, in the present instance, this lease was not approved by the Governor until July 10, 1936, it is obvious that the lease did not become effective as an executed instrument prior to my approval of the same as Attorney General. The notation made by you in the first line of the instrument should, therefore, be changed to correspond with the fact with respect to the effective date of this instrument.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5855.

APPROVAL—PROPOSED AGREEMENT COVERING RECONSTRUCTION OF CROSSING IN PORTSMOUTH, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, July 17, 1936.

HON. JOHN JASTER, JR., *Director of Highways, Columbus, Ohio.*

DEAR SIR: You have submitted for my consideration a proposed agreement by and between the Director of Highways, the City of Portsmouth and The Baltimore and Ohio Railroad Company, covering the reconstruction of the existing separated crossing with the track of said company on State Highway No. 7 located at a point in Scioto County, Ohio, in the city of Portsmouth.

After examination, it is my opinion that said proposed agreement is in proper legal form and when the same is properly executed it will constitute a valid and binding contract.

Said proposed contract is being returned herewith.

Respectfully,

JOHN W. BRICKER,
Attorney General.