

offense amounts to a felony under the Ohio law it would be unreasonable to presume that the legislature intended that the language contained in Section 13458-1, General Code, should be extended by implication to include matters that are specifically provided for in Section 13458-2, General Code.

It is therefore my opinion that the legislative intent expressed in Section 13458-1, General Code, is only to disfranchise those who are convicted of a felony by a state court within the judicial jurisdiction of the Ohio courts. The further language of this section indicates that such was the legislative intent, since it provides: "The pardon of a convict shall effect a restoration of the rights and privileges so forfeited, *or they may be restored as otherwise provided by law*" and especially since no provision is made by law for the restoration of the right of franchise when a person is convicted by the federal court or the courts of another state except by pardon. See Sections 2161, 2162, 13458-1, and 13458-2, General Code; Opinions of the Attorney General for 1927, page 412, and Opinions of the Attorney General for 1927, page 421.

Specifically answering your inquiries it is my opinion that:

1. By reason of the provisions of Section 4785-26, General Code, no person who has ever been convicted of a crime can be an election official.

2. The provisions of Section 4785-26, General Code, prevent a person who has been convicted of a crime, but whose rights of citizenship have been restored by compliance with the provisions of Sections 2161, 2162, 13458-1, and 13458-2, General Code, from becoming an elective official.

3. The language "convicted of a felony in this state" as used in Section 13458-1, General Code, with reference to the restoration of rights of citizenship, means "convicted by the courts of Ohio, of a felony."

Respectfully,

GILBERT BETTMAN,

Attorney General.

4651.

APPROVAL, FOUR LEASES TO RESERVOIR LANDS AT INDIAN LAKE
AND PORTAGE LAKES.

COLUMBUS, OHIO, September 27, 1932.

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

DEAR SIR:—The Division of Conservation in your department has submitted to me for examination and approval a number of reservoir land leases recently executed by the Conservation Commissioner under the authority of section 471, General Code, as said section is amended in the Conservation Act.

The leases here in question designated with respect to the lessees named therein, the location of the properties leased and the respective valuation thereof are as follows:

Name.	Location.	Valuation.
J. A. Poss	Indian Lake	\$300.00
Alice G. Riegel	Indian Lake	400.00
Bertie Clark	Indian Lake	833.34
Mrs. Merle E. Wolfe	Portage Lakes	1200.00

Upon examination of the leases above referred to, I find that the same have

been executed by the Conservation Commissioner and by the respective lessees therein named in the manner provided by law.

I likewise find, upon examination of the provisions of the leases here in question and of the conditions and restrictions therein contained, that the same, with one exception hereinafter noted, are in strict conformity to statutory provisions relating to leases of this kind. The excepted provision here referred to is one occurring in one or more of these leases and which attempts to secure to the lessee therein named the right to a new lease for so much of the land covered by the lease as may be occupied by some building or buildings at the time of the expiration of the lease. As required by statutory provision, each of these leases is for a stated term of fifteen years and it would not be competent for the present Conservation Commissioner to bind his successor or other officer in authority with respect to the lease, if any, to be executed on the property at the expiration of the lease or leases here in question. The effect of this provision will doubtless be to give something in the way of a moral right to a lessee who has expended money in the construction of buildings or other improvements upon the property covered by the lease and this is, perhaps, as it should be. However, as pointed out in previous opinions of this office, this provision is not one of binding legal obligation. I do not feel disposed to disapprove any lease or leases containing this provision on this ground. The most that can be said of the provision is that the same is legally ineffective. These leases being in all other respects in conformity to law, the same are hereby approved as to legality and form, as is evidenced by my approval endorsed upon these leases and upon the respective duplicate and triplicate copies thereof.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4652.

LIQUIDATION OF BANK—TOWNSHIP FUNDS DEPOSITED IN EXCESS
OF BOND—SURETY LIABLE TO EXTENT OF BOND—DIVIDENDS
FIRST CREDITED TO REMAINING TOWNSHIP FUNDS BEFORE
SURETY ENTITLED TO SUBROGATION.

SYLLABUS:

When, upon liquidation of a bank which is a depository of township funds, and in which township funds have been deposited in excess of the bond given by such bank, the surety has reimbursed the loss to the extent of the penal sum of the bond, such surety is not entitled to a pro tanto subrogation, and any dividends received upon liquidation should be credited to the repayment of the remaining township funds on deposit, the excess, if any, paid to the bondsman, the township trustees remaining liable for any deficiency.

COLUMBUS, OHIO, September 27, 1932.

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

GENTLEMEN:—I am in receipt of your request for opinion, which reads:

“Section 3324 of the General Code, relating to the security of funds