

not favored in law, and the presumption is that what is not clearly excluded from the operation of the law is clearly included in the operation of the law."

Specifically answering your inquiries, it is my opinion that:

1. The proviso of section 3714-1, General Code, enacted by the 90th General Assembly, operates to limit the general liability which is imposed upon municipalities by section 3714-1, General Code.

2. A municipal corporation is liable for the negligence of members of the fire department in operating fire apparatus when returning from a fire or other emergency alarm.

Respectfully,

JOHN W. BRICKER,
Attorney General.

1044.

APPROVAL, CERTAIN RESERVOIR LAND LEASE TO LAND AT PORTAGE LAKES, FOR THE RIGHT TO OCCUPY AND USE FOR BOATHOUSE, DOCKLANDING AND WALKWAY PURPOSES—DORA L. HACKETT.

COLUMBUS, OHIO, July 18, 1933.

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

DEAR SIR:—This is to acknowledge the receipt of a communication from the Chief of the Bureau of Inland Lakes and Parks, submitting for my examination and approval a certain reservoir land lease in triplicate, executed by the Conservation Commissioner under the authority conferred upon him by section 471, General Code, to one Dora L. Hackett, of Barberton, Ohio. By this lease instrument there is leased and demised to the lessee therein named, the right to occupy and use for boathouse, docklanding and walkway purposes the water front and state land in the rear thereof that is located on the east bank of Turkey Foot Lake, Portage Lakes; said water front having a frontage of fifty (50) feet, and being in section 13, Franklin Township, Summit County, Ohio.

Upon examination of this lease, which is one for a stated term of fifteen (15) years and which calls for an annual rental of six dollars (\$6.00), payable semi-annually, I find that the same has been properly executed by the Conservation Commissioner and by said lessee. Upon examination of the provisions of this lease and all the conditions and restrictions therein contained, I find the same to be in conformity to leases of this kind.

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.

Respectfully,

JOHN W. BRICKER,
Attorney General.