

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

for my examination a written petition signed by one hundred qualified voters of this state. The petition submitted contains a proposed amendment to the Ohio constitution amending Article I by the addition of section 19 (b). A summary of the proposed amendment is contained in the petition.

The proposed constitutional amendment reads as follows:

"BE IT RESOLVED by the people of the State of Ohio:

That Article 1 of the Ohio Constitution be amended by the addition of Section 19 (b) as follows:

Article 1, Section 19 (b). On and after the 31st day of December, 1933, public highways of this state, outside of municipalities, are and shall be reserved exclusively for the purposes of public travel; and no person shall erect or maintain, within the limits of such public highways, any poles, towers or other structures for the carrying of transmission lines, or otherwise."

The summary of the proposed constitutional amendment contained in the petition reads:

"The following is a summary of the proposed constitutional amendment:

Public highways of the State shall be reserved exclusively for the purposes of public travel, and the erection or maintenance above the surface of the highway and within its limits of any poles, towers or other structures for carrying transmission lines, or otherwise, is prohibited.

It is proposed that this amendment be made a part of Article 1 of the Ohio Constitution, Section 19, and be designated as subsection (b)."

I am of the opinion that the foregoing summary is a fair and truthful statement of the proposed constitutional amendment to be referred and accordingly submit for uses provided by law the following certification:

"I, John W. Bricker, Attorney General of the State of Ohio, pursuant to the duties imposed upon me under the provisions of Section 4785-175, General Code, hereby certify that the foregoing summary is a fair and truthful statement of the proposed constitutional amendment, contained in the petition submitted, proposing to amend Article 1 of the Ohio Constitution by the addition of Section 19 (b). JOHN W. BRICKER, Attorney General."

Respectfully,

JOHN W. BRICKER,
Attorney General.