

mission and for that reason the holding in the case of *State, ex rel., vs. Conley, supra*, is not applicable to the position of executive secretary of the milk commission.

That the position of executive secretary of the milk commission is a civil office and not an employment would seem to be clear from the fact that the executive secretary, in administering oaths, taking depositions, compelling the attendance of witnesses and the production of books and other records, is exercising some portion of the sovereign power and functions of the government. The exercise or discharge of those powers and functions constitutes the position a civil office and not a mere employment.

In view of the conclusion that I have reached in respect to the position of executive secretary of the milk commission, it is not necessary to answer your second question.

Specifically answering your first question, I am of the opinion that a person who is a member of the 90th General Assembly cannot lawfully be appointed to the position of executive secretary of the Ohio Milk Marketing Commission, because the position is a civil office within the meaning of that phrase as used in section 19 of article II of the Constitution of the State of Ohio.

Respectfully.

JOHN W. BRICKER,
Attorney General.

1013.

APPROVAL, BONDS OF VILLAGE OF FAIRVIEW, CUYAHOGA COUNTY, OHIO—\$71,000.00.

COLUMBUS, OHIO, July 5, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

1014.

APPROVAL, LEASES TO RESERVOIR LAND AT PORTAGE LAKES, SUMMIT COUNTY, OHIO, FOR RIGHT TO OCCUPY AND USE FOR BOATHOUSE, DOCKLANDING AND WALKWAY PURPOSES—H. A. DICKERHOOF.

COLUMBUS, OHIO, July 5, 1933.

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

DEAR SIR:—The Chief of the Bureau of Inland Lakes and Parks recently submitted for my examination and approval two certain reservoir land leases in triplicate, executed by the Conservation Commissioners, under the authority conferred upon him by section 471, General Code, to E. C. Oberholtz of Barberton, Ohio, and H. A. Dickerhoof of North Barberton, Ohio, respectively. Each of these leases is for a stated term of fifteen years and each calls for an annual rental of \$6.00, payable in semi-annual installments of \$3.00 each.

By the lease to the lessee first above named, there is leased and demised to said lessee the right to occupy and use for boathouse, docklanding and walkway purposes the water front and state land in the rear thereof that lies immediately in front of Lot No. 16 of the Oak Point Addition, East Reservoir, Portage Lakes; while in the lease to the other lessee above named, there is leased and demised to such lessee the right to occupy and use for boathouse, docklanding and walkway purposes the water front and state land in the rear thereof that lies immediately in front of Lot No. 242 of the Maple Beach Addition, East Reservoir, Portage Lakes.

Upon examination of these leases, I find that the same have been properly executed by the Conservation Commissioner and by said respective lessees. I also find upon examination of the provisions of these leases and of the conditions and restrictions therein contained that the same are in conformity with the statutory provisions relating to leases of this kind. I am accordingly approving as to legality and form these leases, and the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully.

JOHN W. BRICKER,
Attorney General.

1015.

APPROVAL, LEASE TO RESERVOIR LAND AT PORTAGE LAKES,
SUMMIT COUNTY, OHIO, FOR RIGHT TO OCCUPY AND USE FOR
BOATHOUSE AND DOCKLANDING PURPOSES—VETERANS OF
FOREIGN WARS, JOSEPH WEIN POST NO. 288.

COLUMBUS, OHIO, July 5, 1933.

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

DEAR SIR:—This is to acknowledge the receipt of a recent communication from your department over the signature of the Chief of the Bureau of Inland Lakes and Parks of the Conservation Division, by which communication there is submitted for my examination and approval a certain reservoir land lease in triplicate executed by the conservation commissioner under the authority of section 471, General Code, to Veterans of Foreign Wars, Joseph Wein Post No. 288, Akron, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$18.00, payable in semi-annual installments of \$9.00 each, there is demised and granted to the lessee above named the right to occupy and use for boathouse and docklanding purposes a certain parcel of reservoir land at Portage Lakes, such parcel being at Long Lake adjacent to Long Lake Park on the east side of Lot No. 16, Tract 12, Coventry Township, Summit County, Ohio, and is bounded and described as follows:

“Beginning at a point on the west line of Long Lake, North 56-1/4 deg. West, 140 feet from the northwest corner of the present dock at Long Lake Park; thence along the west line of Long Lake, North 56-1/4 deg. West, 75 feet; thence North 33 3/4 deg. East, 75 feet to a point