

it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,

JOHN W. BRICKER,
Attorney General.

6180.

APPROVAL—BONDS OF AKRON CITY SCHOOL DISTRICT,
SUMMIT COUNTY, OHIO, \$10,000.00.

COLUMBUS, OHIO, October 14, 1936.

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

6181.

APPROVAL—SUPPLEMENTAL AGREEMENT FOR RENTAL
REDUCTIONS ON LEASE OF THE TOLEDO GRAIN AND
MILLING COMPANY.

COLUMBUS, OHIO, October 14, 1936.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a supplemental agreement in triplicate in and by which a certain lease executed by the state through the Board of Public Works to The Toledo Grain and Milling Company under date of December 30, 1912, is modified so that the annual rental to be paid under said lease for the remainder of the term thereof is to be \$1200.00 instead of the annual rental of \$1500.0 provided for in this lease.

This supplemental agreement was executed by you following your receipt of Opinion No. 6033 of this office, directed to you under date of September 3, 1936, in which upon consideration of the pertinent facts and of the provisions of law under which the original lease was executed, I find that you were authorized to modify this lease by a reduction in the

annual rental to be paid thereunder in such amount as might be agreed upon by and between yourself and said lessee.

Upon examination of the supplemental agreement above referred to, I find the same to be in the proper form and in accordance with the former opinion of this office above mentioned; and no reason is seen why the same should not be approved by me so far as the legality and form of this agreement is concerned.

In this connection, it is observed that the original lease was not approved by either the Governor or the Attorney General and there is nothing in the form of said lease or otherwise to indicate that the lease was submitted to either of these officers for his approval. In view of the fact that section 3 of the Act of April 2, 1906, 98 O. L., 304, 306, which was then in effect, required all land leases executed by the Board of Public Works to be approved in writing by the Governor and the Attorney General, I assume that this lease was not submitted to the Governor and the Attorney General for approval on the view that this lease was one executed under special statutory provisions providing therefor, and was not primarily a land lease but was a lease of the use of water from the Miami and Erie Canal and that the land therein described was included only as an incident to the main purpose of the lease and to effectuate such purpose.

However this may be, I am not at this late date passing on the question whether the lease which is modified by this supplemental agreement, required the approval of the Governor and the Attorney General to make the same effective; but assuming that this lease was valid as executed, I am approving this supplemental agreement as to the legality and form of the same, as is evidenced by my approval endorsed thereon and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

JOHN W. BRICKER,
Attorney General.

6182.

STATE RELIEF COMMISSION—PROVISIONS OF VARIOUS
HOUSE BILLS RELATIVE TO REPAYMENT OF AD-
VANCED FUNDS BY COUNTIES TO STATE RELIEF COM-
MISSION DISCUSSED.

SYLLABUS:

Under Section 13 of House Bill 663 of the first special session of the 91st General Assembly, counties that have, subsequent to January 1,