

The only question with respect to said leases arises from the fact that in each of them it is provided that there shall be a right of renewal for a like term at the expiration of the present lease subject to reappraisal by the proper state officials at the time of such renewal. Assuming that the present laws relating to these canal lands are in force at the time of the expiration of the leases here in question, it would be competent for the Superintendent of Public Works or other officer or officers performing the functions of that office, to execute a new lease on said respective parcels of land to the lessees above named, and in many cases it would be entirely just and proper that this be done.

However, there is nothing in the provisions of Sections 13965, et seq., General Code, or in any other provision of the General Code of Ohio which authorizes you to insert in these leases said provision with respect to the renewal thereof. And in my opinion said provision in these leases with respect to the right of said several respective lessees to renew the same is unauthorized and void. However, I do not think that this unauthorized and void provision in these leases in any wise affects the validity of the same as leases for the authorized term of fifteen years; and in that view, the existence of said unauthorized provision should not prevent my approval of said leases as valid leases for the lawful terms thereof.

In this connection it is to be noted that inasmuch as said lessees and each of them are presumed to know the law relating to this matter, they can secure no rights against the state relying upon said unauthorized and void provisions with respect to their right to renew said respective leases.

In the view above stated, I am herewith approving said leases as lawful and valid leases for the term of fifteen years each, and to this end I have endorsed my approval upon said leases and the duplicate and triplicate copies thereof.

Respectfully,

GILBERT BETTMAN,

Attorney General.

369.

APPROVAL, LEASES TO LANDS AT INDIAN LAKE.

COLUMBUS, OHIO, April 30, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval, two leases in triplicate of certain parcels of state reservoir lands, which parcels are more particularly described in said respective leases. The leases here in question are the following:

<i>Lessee</i>	<i>Location of Property</i>	<i>Valuation</i>
George L. Miles,	Indian Lake-----	\$287 00
John Richter,	Indian Lake-----	300 00

The above mentioned leases are each for a term of fifteen years, and are executed under the authority of Section 471 and other sections of the General Code relating to the execution of leases of this kind, among which are Sections 13965 et seq., General Code.

The only question with respect to said leases arises from the fact that in each of them it is provided that there shall be a right of renewal for a like term at the expiration of the present lease subject to reappraisalment by the proper state officials at the time of such renewal. Assuming that the present laws relating to these reservoir lands are in force at the time of the expiration of the leases here in question, it would be competent for the Superintendent of Public Works or other officer or officers performing the functions of that office, to execute a new lease on said respective parcels of land to the lessees above named, and in many cases it would be entirely just and proper that this be done.

However, there is nothing in the provisions of Sections 471 and 13965 et seq., General Code, or in any other provision of the General Code of Ohio which authorizes you to insert in these leases said provision with respect to the renewal thereof. And in my opinion said provision in these leases with respect to the right of said respective lessees to renew the same is unauthorized and void. However, I do not think that this unauthorized and void provision in these leases in any wise affects the validity of the same as leases for the authorized term of fifteen years; and in that view, the existence of said unauthorized provision should not prevent my approval of said leases as valid leases for the lawful terms thereof.

In this connection it is to be noted that inasmuch as said lessees and each of them are presumed to know the law relating to this matter, they can secure no rights against the state relying upon said unauthorized and void provisions with respect to their right to renew said respective leases.

In the view above stated, I am herewith approving said leases as lawful and valid leases for the term of fifteen years each, and to this end I have endorsed my approval upon said leases and the duplicate and triplicate copies thereof.

Respectfully,
GILBERT BETTMAN,
Attorney General.

370.

APPROVAL, LEASE TO LAY GAS PIPE LINE ALONG THE BANKS OF
INDIAN LAKE—FERDINAND W. PECK, JR.

COLUMBUS, OHIO, April 30, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a lease in triplicate, executed by you as Superintendent of Public Works, and as director of such department, leasing and demising to one Ferdinand W. Peck, Jr., the right and privilege of laying in and along the banks of Indian Lake, a gas pipe line to serve the population residing around said Lake and the islands thereof.

This lease is executed by you under the authority of Section 13970, General Code. The stated term of the lease is fifteen years. There is nothing in the provisions of Section 13970, General Code, considered alone, which fixes the authorized term of leases executed under its provisions. However, this section was enacted as a part of the act of April 12, 1889, 86 O. L. 270, and provided generally for the lease of canal land property, the term of which leases was fixed at fifteen years, and reading the provisions of this section as they were originally enacted as a part of said act of the Legislature above referred to, it seems reasonably clear that the authorized term of leases of this kind is likewise fifteen years.