

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute a valid and legal obligation of said school district.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

507.

APPROVAL—BONDS OF BEDFORD VILLAGE SCHOOL DISTRICT, CUYAHOGA COUNTY, OHIO, \$25,000.00.

COLUMBUS, OHIO, April 22, 1937.

Retirement Board, State Teachers Retirement System, Columbus, Ohio
GENTLEMEN :

RE: Bonds of Bedford Village School Dist., Cuyahoga County, Ohio, \$25,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above school district dated January 15, 1920. The transcript relative to this issue was approved by this office in an opinion rendered to your board under date of May 21, 1936, being Opinion No. 5566.

It is accordingly my opinion that these bonds constitute a valid and legal obligation of said school district.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

508.

APPROVAL—FINDINGS FOR RESTORATION OF AMOUNTS PAID ON CANAL LANDS (43)

COLUMBUS, OHIO, April 22, 1937.

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

DEAR SIR: This is to acknowledge the receipt of your recent com-

munication with which you submit for my approval certain findings, forty-three in number, made by you in your official capacity as Superintendent of Public Works, in and by which you have restored the amounts of the annual rentals to be paid upon an equal number of canal land leases, respectively referred to in your several findings, from the present reduced amounts of the annual rentals payable under these leases to the amounts of the annual rentals provided for in the leases.

The leases referred to in these findings, identified with respect to the names of the several lessees and the corresponding file numbers of the leases, and the several amounts of the present reduced annual rentals and of the annual rentals provided for in the leases, which have been restored by the findings here in question, are as follows:

Name	Number	Reduced Annual Rental	Restored Annual Rental
Quaker Oats Co.	O&E 116	\$189.00	\$270.00
Quaker Oats Co.	O&E 574	306.00	612.00
Quaker Oats Co.	O&E 646	1625.20	2322.25
Quaker Oats Co.	O&E 663	264.60	378.00
Quaker Oats Co.	O&E 664	245.16	408.60
Baltimore & Ohio R. R. Co.	O&E 6	822.00	1370.00
Baltimore & Ohio R. R. Co.	O&E 7	140.40	234.00
Baltimore & Ohio R. R. Co.	O&E 9	144.00	240.00
Baltimore & Ohio R. R. Co.	O&E 633	361.40	516.28
Baltimore & Ohio R. R. Co.	O&E 675	71.40	102.00
Baltimore & Ohio R. R. Co.	O&E 676	168.60	281.00
Toledo & Cincinnati R. R. Co.	M&E 102	160.00	200.00
Toledo & Cincinnati R. R. Co.	M&E 441	105.60	132.00
Toledo & Cincinnati R. R. Co.	M&E 442	201.60	252.00
C. A. Weiant, et al.	O&E 164	80.00	120.00
Ohio Power Company	O&E 175	16.00	24.00
Hugh M. Eaton	O&E 850	764.40	1274.00
E. E. Clifton	O&E 360	20.00	30.00
George M. Gray	O&E 408	12.00	18.00
Mrs. Mildred Stamm	O&E 454	14.40	18.00
Silas C. Cole	O&E 490	10.00	15.00
C. R. Thornton	O&E 703	150.50	215.00
Mary I. Seeds	O&E 141	24.00	36.00
Chas. C. Coffman	O&E 302	400.00	500.00
W. A. Wadsworth	M&E 504	49.50	66.00
Cincinnati & Dayton R. R. Co.	M&E 22	1340.80	1676.00
Mrs. Anna Stoker	M&E 51	42.00	60.00
Max A. Haas	M&E 149	36.00	48.00

Name	Number	Reduced Annual Rental	Restored Annual Retnal
Northwestern Savings & Loan Co.	M&E 213	20.00	27.00
Troy City Mission	M&E 215	32.00	48.00
Cincinnati, Hamilton & Dayton R. R. Co.	M&E 256	552.00	690.00
Cincinnati, Hamilton & Dayton R. R. Co.	M&E 257	674.36	842.95
Skinner Irrigation Co.	M&E 191	100.00	150.00
Skinner Irrigation Co.	M&E 274	80.00	120.00
Byron G. Beatty	M&E 278	67.50	90.00
A. B. & C. E. Simmons	M&E 296	30.00	36.00
Gale Brush	M&E 299	72.00	120.00
Ralph Bowsman	M&E 348	36.00	54.00
City of Sidney	M&E 385	1784.22	2230.28
James K. Baker	M&E 388	64.00	96.00
Joseph J. Best, et al.	M&E 399	63.99	85.52
Joseph J. Best, et al.	M&E 400	10.49	13.98
Louise Ernst	M&E 402	90.00	120.00

These findings made by you restoring the several amounts of the annual rentals to be hereafter paid on these leases to the annual rental amounts provided for in the lease instruments, were made by you under the authority of House Bill No. 467, 115 O. L., 512, under which you or your predecessor in office as Superintendent of Public Works made the original reductions in the annual rentals to be paid under these several leases, which reductions by appropriate action from year to year have been effective for subsequent years up to the present time.

House Bill No. 467, authorizing the Superintendent of Public Works to make annual adjustments of the rentals to be paid upon canal land leases, was enacted by reason of economic conditions which in many instances affected adversely and to a substantial extent the value of canal land leaseholds held by the lessees thereof. And in making the findings here in question, I assume that you have found and determined that the reasons which actuated you or your predecessor in office in making the reductions in the annual rentals to be paid under these several leases no longer exist, and that for this reason the annual rentals to be paid under these leases have been restored to the several amounts provided for in the lease instruments.

No reason is apparent why I should not approve the findings made by you; and this is done as is evidenced by my approval endorsed upon

the several findings and upon the duplicate and triplicate copies thereof, all of which, so approved, are herewith returned to you.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

509.

LEASES—EXCEPTIONS, IDENTITY—RIGHTS FAIL WHEN.

SYLLABUS:

1. *An exception in a lease must be properly identified to save any rights as to the exception for the lessor.*
2. *Where an exception in a lease is not properly identified said exception falls.*

COLUMBUS, OHIO, April 23, 1937.

HON. L. WOODDELL, *Commissioner, the Division of Conservation, Department of Agriculture, Columbus, Ohio.*

DEAR SIR: I have your letter of recent date as follows:

“On November 29, 1932, a lease of lands in Defiance County, the title to which rests with the Department of Public Works, was made by the Department of Public Works to the Division of Conservation. In this lease a reservation which reads as follows was made:

‘This lease being made under the terms of an Act passed by the 89th General Assembly, known as amended Senate Bill No. 69 (See O. L. 114, page 158) and with the understanding that the State reserves the right to grant a lease to the present owners of a cottage on the easterly side of said canal property near the Henry-Defiance County line.’

The reason the above clause was inserted in the lease from the Department of Public Works to the Division of Conservation was because of the controversy that existed between Mr. F. S. and the Defiance County Park Board. The controversy existed even before the Defiance County Park Board had a lease from the Division of Conservation. Mr. T. S. Brindle, then the Director of Public Works, made an investigation as to who was entitled to the strip of land