

4674.

APPROVAL, TWENTY-ONE GAME REFUGE LEASES TO LAND IN
HIGHLAND, CRAWFORD, DELAWARE, PIKE, RICHLAND AND
FRANKLIN COUNTIES, OHIO.

COLUMBUS, OHIO, October 8, 1932.

HON. WILLIAM H. REINHART, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination, in duplicate, the following State Game Refuge leases made to the State of Ohio, namely:

1. Lease No. 2159, made by William A. West for 128 acres of land situated in Liberty Township, Highland County, Ohio.
2. Lease No. 2160, made by William A. West for 152 acres of land situated in Liberty Township, Highland County, Ohio.
3. Lease No. 2161, made by William A. West for 136 acres of land situated in Liberty Township, Highland County, Ohio.
4. Lease No. 2162, made by William A. West for four acres of land, more or less, in Liberty Township, Highland County, Ohio.
5. Lease No. 2163, made by William A. West for 3 1/3 acres of land in Liberty Township, Highland County, Ohio.
6. Lease No. 2164 made by William A. West for 156¾ acres of land in Liberty Township, Highland County, Ohio.
7. Lease No. 2165, made by W. B. Roads for 50 acres of land in Liberty and Penn Townships, Highland County, Ohio.
8. Lease No. 2175, made by John J. Fauser for 11.81 acres of land, situated in Whetstone Township, Crawford County, Ohio.
9. Lease No. 2178, made by Harry Kurtz for 80 acres of land situated in Whetstone Township, Crawford County, Ohio.
10. Lease No. 2179, made by Emma M. Hauser for 40 acres of land situated in Whetstone Township, Crawford County, Ohio.
11. Lease No. 2180, made by Maggie Fauser for 148 acres situated in Whetstone Township, Crawford County, Ohio.

Finding the above leases to be executed in proper legal form, I have attached my signature thereto in approval.

You have also submitted for my examination, in duplicate, the following State Game Refuge Leases made to the State of Ohio, with State Game Refuge Orders designed to operate upon said leased lands, namely:

1. Lease No. 2156, made by E. H. and Allie Weiser for 20 acres of land in Troy Township, Delaware County, Ohio.
2. Lease No. 2167, made by F. W. Ramey for 91 acres of land in Marion Township, Pike County, Ohio.
3. Lease No. 2169, made by T. M. Maggard for 40 acres of land in Pike County, Ohio.
4. Lease No. 2170, made by John Adams for 44 acres of land situated in Marion Township, Pike County, Ohio.
5. Lease No. 2171, made by Charles and J. E. Smith for 37 acres of land in Marion Township, Pike County, Ohio.
6. Lease No. 2175, made by Mrs. Jeanette C. Hartman for 196 acres of land in Washington Township, Richland County, Ohio.
7. Lease No. 2176, made by Charles K. Johnson for 102.16 acres of land in Mifflin Township, Richland County, Ohio.

8. Lease No. 2177, made by Bertha A. and Mabel A. Taylor for 269 acres of land in Plain Township, Franklin County, Ohio.

9. Lease No. 2178, made by Clare H. Taylor for 147 acres of land in Plain Township, Franklin County, Ohio.

Finding the same to be executed in proper legal form, I have attached my signature thereto in approval.

You have also submitted State Game Refuge Lease and Order No. 2174. Said lease is purported to be made by George W. Crile and William E. Lower, as individuals, and by Mary He'en McBride and the Central United National Bank of Cleveland, successors to the Central National Bank of Cleveland, Trustees under the Last Will and Testament of Donald McBride, deceased, of Cleveland.

Said lease is executed in proper legal form. However, not having been furnished with a copy of the Last Will and Testament of said Donald McBride, deceased, I am not undertaking to pass upon the right and power of said trustees to make said lease. Accordingly, my name is endorsed upon said lease in approval only of its form of execution.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4675.

MORTGAGE RETIREMENT STOCK—NOT TAXABLE AS DEPOSITS OR
AS SHARES OF STOCK IN FINANCIAL INSTITUTIONS.

SYLLABUS:

Shares of stock issued by a building and loan association to a member to whom a loan is made by the association to the full amount of the par value of the stock thus issued, are not withdrawals in money within the meaning of section 5324, General Code, and the same cannot be taxed either as deposits or as shares of stock in a financial institution, under the provisions of sections 5328-1, 5406, 5408 and 5412, General Code.

COLUMBUS, OHIO, October 8, 1932.

The Tax Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—This is to acknowledge the receipt of your recent communication which reads as follows:

“This day the Commission, by resolution, authorized a request to the Attorney General for formal opinion relative to the taxation of mortgage retirement stock in financial institutions.

The Commission has been treating mortgage retirement stock as a deposit within the meaning of Section 5324 G. C., and taxing it at two mills accordingly. It has been contended by the various building and loan companies that such mortgage retirement stock is not subject to the two mill tax.”

Although, under the statutory provisions governing building and loan associations in this state, such associations are authorized to make loans to non-members, as well as to members of such associations, I assume that the case here