

scriber, or some beneficiary designated by him, shall be repaid the amount which he has actually contributed under his subscription. In other words, the subscription is not an inducement to insure but the insurance is an inducement to subscribe. This plan certainly does not fall within the spirit of this statute, and in view of the applicable rules of statutory interpretation, I am constrained to advise you that the proposal does not contravene the provisions of Section 9404, General Code.

I am therefore of the opinion, in specific answer to your question, that where a church establishes a special fund known as the "Debt Retirement Fund" under the control and management of trustees, to which the members of the church subscribe in writing to pay a stipulated amount, and where as part of the plan such subscriber to the Debt Retirement Fund applies for insurance on his life payable to the trustees of the Debt Retirement Fund who are to pay the premiums on such life insurance policy and where the trustees of the Debt Retirement Fund agree to pay to a person designated by the subscriber the amount of such insurance policy less any indebtedness to the Debt Retirement Fund on account of the subscription by such subscriber, there is no violation thereby of the provisions of Section 9404, General Code.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

1192.

LEASE—RESERVOIR LAND, STATE WITH ELMER KNAPKE
AND ORVEL FREDERICK, DESIGNATED PORTION, LAKE
ST. MARYS OR GRAND LAKE, MERCER COUNTY.

COLUMBUS, OHIO, September 15, 1939.

HON. DON G. WATERS, *Commissioner, Division of Conservation and
Natural Resources, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval a certain reservoir land lease in triplicate, executed by the State of Ohio, through you as Commissioner, Division of Conservation and Natural Resources to Elmer Knapke and Orvel Frederick of Dayton, Ohio.

By this lease, which is one for a term of fifteen years and which provides for an annual rental of \$23.58, there is leased and demised to the lessees above named, permission to occupy and use for cottage site and docklanding purposes only, that portion of the inner slope and water front and the outer slope and the State land in the rear thereof, extending back to the State ditch that is included in the north-half of embankment lot No. 58, west bank, Lake St. Marys or Grand Lake, as laid out

by H. E. Witlock under the direction of the Superintendent of Public Works in June, 1920; said half lot having a frontage of fifty (50') feet, as measured along the top of the outer slope and being in and a part of the southeast quarter of Section 12, Town 6 South, Range 2 East, Mercer County, Ohio.

Upon examination of this lease, I find that the same has been properly executed by you as Commissioner, Division of Conservation and Natural Resources and by said lessees. I further find, upon consideration of the provisions of this lease and of the conditions and restriction therein contained, that the same are in conformity with Section 471, General Code, under the authority of which this lease is executed, and with other statutory enactments relating to leases of this kind.

I am accordingly approving this lease as to legality and form, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

1193.

BONDS—CITY OF CLEVELAND, CUYAHOGA COUNTY,
\$25,000.00, SERIES E.

COLUMBUS, OHIO, September 15, 1939.

Retirement Board, Public Employes Retirement System, Columbus, Ohio.

GENTLEMEN:

RE: Bonds of the City of Cleveland, Cuyahoga County,
Ohio, \$25,000, Series E.

The above purchase of bonds appears to be part of a \$174,000 issue of refunding bonds, Series E, of the above city dated September 1, 1939. The transcript relative to this issue was approved by this office in an opinion rendered to the State Teachers Retirement Board under date of September 7, 1939, being Opinion No. 1146.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said city.

Respectfully,

THOMAS J. HERBERT,
Attorney General.