

366.

APPROVAL, BONDS OF MADISON TOWNSHIP RURAL SCHOOL DISTRICT, LAKE COUNTY—\$12,000.00.

COLUMBUS, OHIO, April 30, 1929.

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

367.

APPROVAL, NOTES OF PLYMOUTH VILLAGE SCHOOL DISTRICT, RICHLAND COUNTY AND HURON COUNTY—\$75,000.00.

COLUMBUS, OHIO, April 30, 1929.

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

368.

APPROVAL, LEASES TO ABANDONED OHIO CANAL LANDS—SIX LESSEES.

COLUMBUS, OHIO, April 30, 1929.

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

DEAR SIR:—You have submitted to me for examination and approval certain leases in triplicate covering certain parcels of abandoned Ohio canal lands, which several parcels of land 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>
Henry Barcus, Harrison Township, Pickaway County-----		\$650 00
Anna Bauer, Jackson Township, Pike County-----		333 34
W. S. Bloomberg, Massillon, Stark County-----		1,866 67
Gen. L. S. Connelly, Boston Township, Summit County-----		400 00
Paul E. Peters, Harrison Township, Pickaway County-----		400 00
The Quaker Oats Co., Akron, Summit County-----		1,200 00

The term of each of the above mentioned leases is fifteen years, and the same are all executed under the authority of Sections 13965, et seq., General Code, and other sections of the General Code relating to the lease of canal lands. As leases for the term of fifteen years, the same are in proper form.

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.