

unencumbered balance in the proper appropriation account to pay the purchase price of this property, amounting to this sum of \$1,400.00. And in this connection, I assume that in subsequent appropriation acts provisions have been made in turn appropriating encumbered balances theretofore appropriated or reappropriated.

It likewise appears that the purchase of the property has been approved by the State Controlling Board. Subject to the suggestions above noted, the corrected abstract of title, warranty deed and other files relating to the purchase of this property are approved and all of the same are herewith returned.

Respectfully,

JOHN W. BRICKER,
Attorney General.

864.

DISAPPROVAL, PETITION FOR PROPOSED LAW TO REQUIRE A
LICENSE FOR THE OPERATION, MAINTENANCE, OPENING OR
ESTABLISHMENT OF STORES IN OHIO.

COLUMBUS, OHIO, May 23, 1933.

MR. EDWARD L. LANSING, *c/o John B. Osman, 330 East Ohio Gas Building, Cleveland, Ohio.*

DEAR SIR:—Pursuant to section 4785-175, General Code, you have submitted a petition signed by one hundred qualified electors, together with a copy of a law to be proposed by initiative petition first to be submitted to the General Assembly of Ohio, entitled, "To require a license for the operation, maintenance, opening or establishment of stores in this state." You request that I certify that the summary of the proposed law contained in the petition is a fair and truthful statement of the law proposed.

A comparison of the summary contained in the petition with the full text of the proposed law, discloses that the summary is not a fair and truthful statement of the proposed law in the following respect:

Section 5 of the full text of the proposed law prescribes the schedule of license fees to be charged. Lines 54 to 62, inclusive, read:

"The license fees herein prescribed shall be as follows:

- (1) Upon one store, the annual license fee shall be three dollars for each such store;
- (2) Upon two stores or more, but not to exceed five stores, the annual license fee shall be twenty-five dollars for each such additional store;
- (3) Upon each store in excess of five, but not to exceed ten, the annual license fee shall be two hundred and fifty dollars for each such additional store;
- (4) Upon each store in excess of ten the annual license fee shall be one thousand dollars for each such additional store."

The summary contains the following as to the license fees to be charged:

"Said annual license fee is based upon the number of stores operated by the same interests as follows:

One store	\$3.00
Two to five stores.....	\$25.00 each
Six to ten stores	\$250.00 each
More than ten stores	\$1000.00 each."

The proposed law does not provide a state license fee for each store classified according to the total number of stores owned by a company but does provide for a graduated fee for additional stores within the different classifications. By way of example, according to the schedule of fees in the proposed law, a company operating three stores would be required to pay a license fee of \$3.00 for one of the stores and \$25.00 each for the other two. As stated in the summary, the company would be required to pay a license fee of \$25.00 for each of the three stores. The schedule of license fees in the proposed law is not based on each store but the graduated fee applies only to the additional stores within the different classifications. The fee is the same on the first store whether the company owns one store or one hundred stores. The graduated schedule of fees is cumulative within the different classes, based on the number of stores, and is not, as stated in the summary, a graduated fee to be charged for each store based upon the total number of stores of the company.

The summary is in other respects not a fair statement of the proposed law, but in consideration of the foregoing it is not necessary that the variances be considered at this time.

I therefore decline to certify that the summary of the proposed law contained in the petition is a fair and truthful statement of the proposed law.

Respectfully,

JOHN W. BRICKER,
Attorney General.

865.

APPROVAL, CERTAIN OIL AND GAS LEASE—ARNOLD OIL AND GAS
COMPANY OF BREMEN, OHIO.

COLUMBUS, OHIO, May 24, 1933.

HON. JOSEPH T. TRACY, *Auditor of State, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication submitting for my examination and approval a certain oil and gas lease in duplicate executed by you in your official capacity to the Arnold Oil and Gas Company of Bremen, Ohio. By this instrument, there is leased and demised to the lessee above named for the term of one year, and for as much longer as oil or gas is found in paying quantities, all of the oil deposits and natural gas in a certain parcel of Section 16 School Lands, which parcel of land is more particularly described as follows:

Situated in the Civil Township of Reading, County of Perry and State of Ohio, and being the East half of the N. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of Section 16, Township 16, Range 16, containing $21\frac{1}{8}$ acres, more or less.