

1953÷75, of W. J. Slavin's survey of said canal property, twelve hundred and sixty-five (1265') feet, westerly, as measured along the transit line of said survey to a line drawn through station 1966÷40, and containing one and nine-tenths (1.9) acres, more or less.

This lease, which is one executed by you under the general authority conferred upon you as Superintendent of Public Works by section 464, General Code, and by the more special provisions of an Act of the 88th General Assembly enacted April 19, 1929, 113 O.L., 524, has been properly executed by you in your official capacity as above stated and by said Stinson Detty, the lessee therein named.

The Act of the legislature above referred to confers prior rights upon the owners of abutting property with respect to the lease of canal lands abandoned by said Act provided application for such lease is made within one year from the effective date of the Act. Although this lease does not contain any recital to this effect, I assume that no application for the lease of the above described parcel of abandoned Ohio Canal land has been made within the time prescribed by law and that you have, therefore, the authority to execute this lease to the lessee therein named. On this assumption, I find that the terms and provisions of this lease and the conditions and restrictions therein contained are in conformity with said Act and with other statutory provisions relating to leases of this kind. I am, accordingly, approving this lease as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

821.

APPROVAL—CANAL LAND LEASE EXECUTED BY THE
STATE OF OHIO TO ONE E. H. KINGSLEY OF LUCAS-
VILLE, OHIO.

COLUMBUS, OHIO, July 2, 1937.

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

DEAR SIR: You recently submitted for my examination and approval

a canal land lease in triplicate executed by you in your official capacity as Superintendent of Public Works and as Director of said department to one E. H. Kingsley of Lucasville, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$7.50, there is leased and demised to the lessee above named the right to occupy and use for agricultural purposes that portion of the abandoned Ohio Canal located in Morgan Township, Scioto County, Ohio, which is more particularly described as follows:

Beginning at station 1942÷12, of W. H. Heiby's survey of said canal property, and running thence southerly with the lines of said canal property, sixteen hundred and eighty-one (1681') feet, more or less, as measured along the transit line of said survey to the southerly line produced of the lands of the grantee herein, at or near station 1958÷93.

Excepting therefrom that portion of the above described property that is occupied by the new state highway, and containing, exclusive of said exception, two and six-tenths (2.6) acres, more or less.

Upon examination of this lease, which is executed by you under your general authority as successor to the power, authority and duties of the Board of Public Works and under the more special authority conferred by an Act of the 79th General Assembly enacted June 7, 1911, 102 O.L., 293, I find that the lease has been properly executed by you in your official capacity above stated and by E. H. Kingsley, the lessee therein named. I further find upon examination of this lease that the terms and provisions thereof and the conditions and restrictions therein contained are in conformity with said Act and with other statutory provisions relating to leases of this kind. I am accordingly approving this lease, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

HERBERT S. DUFFY,

Attorney General.