

2778.

APPROVAL, CERTAIN LEASE FOR THE RIGHT TO INSERT A THREE-INCH PIPE INTO THE LEVEL OF LAKE ST. MARYS, AT CELINA, OHIO.

COLUMBUS, OHIO, June 4, 1934.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a certain lease in triplicate in and by which the New York, Chicago and St. Louis Railroad Company (successors to The Lake Erie and Western Railroad Company) is given the right to insert a three-inch pipe into the level of Lake St. Marys at Celina, Ohio, and take therefrom and through this pipe such amount of water as may be necessary for locomotive steam purposes for a period of five years from May 1, 1932, that is until May 1, 1937. It appears in this connection that this lease is a renewal of a lease granted to The Lake Erie and Western Railroad Company under date of October 2, 1922, for a period of ten years from May 1, 1922.

The annual rental provided for in said lease as a consideration for the water to be taken by said lessee under the same is the sum of Two Hundred Sixteen Dollars (\$216.00) payable in semi-annual installments on the first days of May and November of each and every year during the term of the lease.

Upon examination of the lease, I find that the same has been properly executed by you as Superintendent of Public Works and as director of said department and by the New York, Chicago and St. Louis Railroad Company, acting by the hand of its Vice President pursuant to the authority of a resolution of the board of directors of said company adopted on the 30th day of April, 1934. I further find from my examination of the provisions of this lease and of the conditions and restrictions therein contained that the same are in conformity with Section 14009 and other sections of the General Code relating to the execution of 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,

JOHN W. BRICKER,
Attorney General.

2779.

APPROVAL, CANAL LAND LEASE FOR THE RIGHT TO CONSTRUCT AND MAINTAIN A FOUR-INCH GAS MAIN ACROSS AND UNDER THE BED OF THE BUCKEYE LAKE WASTEWAY RUN—CLINTONIAN FUEL AND OIL COMPANY.

COLUMBUS, OHIO, June 4, 1934.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a canal

land lease in triplicate executed by the State of Ohio through you as Superintendent of Public Works and as director of said department to the Clintonian Fuel and Oil Company of Columbus, Ohio. By the lease here in question, which is one for a stated term of fifteen years and which provides for an annual rental of six dollars (\$6.00), there is leased and demised to said lessee the right to construct and maintain a four-inch gas main across and under the bed of the Buckeye Lake Wasteway Run at or near Station 22—00, of H. L. Conner's Survey of said channel made under the direction of the Director of Public Works in 1930.

I find that this lease has been properly executed by you and by the Clintonian Fuel and Oil Company, the lessee therein named, acting by the hand of its Vice President under the authority of a resolution adopted by the board of directors of said company under date of May 2, 1934.

This lease is one executed by you under authority of Section 13970, General Code, and I further find that the provisions of this lease and the conditions and restrictions therein contained are in conformity with said section and with other sections of the General Code 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,

JOHN W. BRICKER,
Attorney General.

2780.

FIDUCIARY—REQUIRED TO OBTAIN APPROVAL OF PROBATE COURT
WHEN INVESTING FUNDS OF ESTATES UNDER SECTION 10506-41,
GENERAL CODE.

SYLLABUS:

Section 10506-41, General Code, as amended (115 O. L. 396), requires all fiduciaries, including trust companies administering estates with funds to be invested, to obtain the approval of the probate court for investing in the classes of investments authorized by said section.

COLUMBUS, OHIO, June 4, 1934.

HON. GEORGE N. GRAHAM, *Prosecuting Attorney, Canton, Ohio.*

DEAR SIR:—I acknowledge receipt of your communication which reads as follows:

“Section 10506-41, General Code, as amended September 29th, 1933, provides as follows:

‘Except as may be otherwise provided by law or by the instrument creating the trust, a fiduciary having funds belonging to the trust which are to be invested may invest them in the following: * * *’