

Industrial Commission under date of September 13, 1937, being Opinion No. 1143.

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

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1629.

APPROVAL—CANAL LAND LEASE EXECUTED BY THE
STATE OF OHIO TO THE HULSHIZER MILLING COM-
PANY OF NEWARK, OHIO.

COLUMBUS, OHIO, December 14, 1937.

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

DEAR SIR: You have submitted for my examination and approval a canal land lease in triplicate executed by you as Superintendent of Public Works to The Hulshizer Milling Company, a corporation, of Newark, Ohio.

By this lease, which is one for a stated term of ninety-nine years, renewable forever, and which provides for an annual rental of one hundred dollars during the first fifteen-year period of the term of the lease with provision for reappraisal for rental purposes at the end of each fifteen-year period during the lease term, there is leased and demised to the lessee above named the right to occupy and use for mill, warehouse, storage, general business, manufacturing and other incidental purposes, that portion of the abandoned North Fork Feeder to the Ohio Canal in the city of Newark, Licking County, Ohio, commencing at the northerly line of land originally sold by the state of Ohio to Samuel F. Van Voorhis, on the 30th day of January, 1918, and now occupied by the Universal Supply Company of Newark, Ohio, and extending thence northwesterly the full width of the bed and banks of said feeder, a distance of one hundred eighty-five (185') feet, more or less, measured along the center line of said feeder, to a line drawn parallel to and fifty (50') feet south of the northerly line of Church Street in said city, produced, and containing nine thousand two hundred fifty (9,250) square feet, more or less, excepting there-

from, however, any portion thereof that has been improved by the city of Newark, by paving.

The property covered by this lease is a part of the North Fork Feeder of the Ohio Canal in the city of Newark, Ohio, which was abandoned for canal and hydraulic purposes by an Act of the 82nd General Assembly enacted under date of March 30, 1917, 107 O. L., 512.

Although this act provides, among other things, for the lease of lands of the North Fork Feeder of the Ohio Canal abandoned for canal and hydraulic purposes by said act, the lease here in question is not executed by you under the provisions of this act but is executed under the later and more general provisions of the Farnsworth Act, so-called, 114 O. L., 518. This act, apparently relating to all canal lands which theretofore had been abandoned for canal purposes, provided that any village, city township, county or other taxing district desiring to take over any abandoned canal lands for public park or recreational purposes, might make application in writing therefor at any time within two years from the effective date of said act; and this section further provided that the department or agency of the state government in control of such abandoned canal lands might, if such agency determined that it was in the interest of the state and of the public to do so, grant a lease of any such abandoned canal lands to the village, city or other political subdivision making such application, for public park and recreational purposes. This act further provided as follows:

“Tracts of such abandoned canal property not disposed of in the manner herein provided may be leased by the superintendent of public works to responsible parties under the provisions of section 13965 of the General Code, except the length of the term of such leases may be for ninety-nine years, renewable forever, or for a term of fifteen years, and multiples thereof up to ninety years, and that railroad rights-of-way need not be limited to lengths of two miles; leases granted for a longer term than fifteen years shall contain a clause providing for a reappraisalment of the canal lands described in such leases, by proper state authority, at the end of each 15-year period, embraced in such leases and the annual rental therefor shall be six per cent of the appraised value thereof for each period.”

The lease here in question, with respect to the stated term thereof and the provisions therein with respect to the payment of the annual

rental therefor, is in conformity with the above quoted provisions of this act.

Upon examination of the lease, I find that the same has been properly executed by you as Superintendent of Public Works for and in the name of the state of Ohio and by The Hulshizer Milling Company, by the hand of its President acting pursuant to the authority conferred upon him for this purpose by a resolution of the Board of Directors of said company under date of October 25, 1937. Inasmuch as I further find that the provisions of this lease and the conditions and restrictions therein contained are in conformity with the provisions of the act under which it was executed and with other applicable statutory enactments relating to leases of this kind, I am 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.

1630.

APPROVAL—CERTIFICATION OF PROPOSED AMENDMENT TO ARTICLE I OF THE OHIO CONSTITUTION.

COLUMBUS, OHIO, December 14, 1937.

MR. EDWARD LAMB, *Attorney at Law*, 1014 Edison Bldg., Toledo, Ohio.

DEAR SIR: You have submitted for my examination a written petition signed by one hundred qualified electors of this state, containing a proposed constitutional amendment and a summary of the same under section 4785-175, General Code. It is proposed to amend Section 16 of Article I of the Constitution of Ohio, so that the same shall read as follows:

“The courts shall be open, and every person for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice administered without denial or delay; but no court, nor judge, nor judges thereof, now in existence or hereafter created, established, appointed, elected, or in existence by any manner or means, shall have jurisdiction, to issue any