

I am of the opinion that the foregoing are fair and truthful statements of the proposed constitutional amendments and accordingly submit, for uses provided by law, the following certification:

"Pursuant to the duties imposed upon me, under the provisions of Section 4785-175, General Code, I hereby certify that the foregoing summaries are fair and truthful statements of the proposed amendments to the constitution by the addition to Article 12 of Sections 5a and 5b. John W. Bricker, Attorney General."

Respectfully,
 JOHN W. BRICKER,
Attorney General.

2851.

APPROVAL—PROCEEDINGS RELATING TO APPLICATION MADE BY
 CRANE & MacMAHON, INC., OF ST. MARYS, OHIO, FOR THE CAN-
 CELLATION OF A WATER LEASE.

COLUMBUS, OHIO, June 23, 1934.

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

DEAR SIR:—This is to acknowledge the receipt of your recent communication with which you enclose for my examination and approval a finding made by you upon an application filed with you by Crane & MacMahon, Inc., of St. Marys, Ohio, for the cancellation of a water lease executed to this corporation under date of November 29, 1932. By the lease here in question, which is one for a term of five years and which provides for an annual rental of \$216.00, said lessee therein named was given the right to insert a three-inch pipe into the water level of the Miami and Erie Canal next above Lock No. 12 in the City of St. Marys, Ohio, and to take water therefrom for steam-making purposes.

The application for the cancellation of this lease was filed with you under the authority of House Bill No. 467, 115 O. L., 512. This act provides, among other things, that if at any time any lessee of the State of Ohio can no longer economically use the canal lands or the water or both leased to them by the State of Ohio, such lessee or lessees may file with the Superintendent of Public Works or the Conservation Commissioner, as the case may be, a sworn statement of facts pertaining to such lease, setting forth the reasons why such lease cannot be used any longer by them, and requesting the cancellation of such lease. This act by the further provisions thereof requires the officer with whom such application is filed to make an investigation of the facts pertaining to such lease and, subject to the approval of the Governor and Attorney General, authorizes such officer to cancel the lease if upon such investigation he finds the facts stated in the application to be true. The reason assigned by this lessee for the requested cancellation of this lease is that since the execution of the lease said lessee has drilled on its own premises a well which supplies the water needed by it for

steam and other necessary purposes in the operation of its business, and that for this reason the lessee no longer needs the water of the state provided for in and by this lease.

It appears from the finding made by you that you have approved the application for the cancellation of this lease, and that subject to the conditions mentioned in your finding you have directed the cancellation of the lease subject to the approval of the Governor and the Attorney General. It appears that the application, finding and other files relating to the cancellation of this lease are substantially in the form provided for and required by House Bill No. 467, above noted. And for this reason and the further reason that the grounds set out in the application for the cancellation of this lease are such as clearly come within the scope of the statutory provisions above noted providing for the cancellation of leases, your finding with respect to the cancellation of this lease is hereby approved, as is evidenced by my approval endorsed upon the resolution and the copies thereof which are attached hereto and made a part of the files in this matter. I am herewith enclosing the files submitted to me.

Respectfully,

JOHN W. BRICKER,

Attorney General.

2852.

DISAPPROVAL, NOTES OF POLAND VILLAGE SCHOOL DISTRICT.
MAHONING COUNTY, OHIO—\$11,500.00.

COLUMBUS, OHIO, June 23, 1934.

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

GENTLEMEN:—Re: Note of Poland Village School District, Mahoning County, Ohio, \$11,500.00.

I have examined the transcript of the proceedings relating to the above note issue. The financial statement purports to set forth the aggregate amount borrowed in anticipation of the February 1934 tax settlement. I presume the August 1934 tax settlement is meant, as the rest of the transcript refers to the August 1934 settlement. The financial statement sets forth that the aggregate amount borrowed in anticipation of this settlement, including the present note issue, is \$23,000.00, whereas the amount estimated to be received by this district from the August 1934 real and public utility tax settlement, other than taxes to be received for the payment of debt charges and all advances, is \$23,000. Since the aggregate amount which may be borrowed can not under the provisions of section 2293-4, General Code, exceed one-half of the amount estimated by the Budget Commission to be received from the next semi-annual settlement of taxes, other than the taxes to be received for the payment of debt charges and all advances, it is my advice that you do not purchase this note.

Respectfully,

JOHN W. BRICKER,

Attorney General.