

Prison Farm has the same status as a prisoner at the Ohio Penitentiary in so far as his rights to parole and to the serving of a minimum and maximum sentence are concerned.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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2775.

APPROVAL—CANAL LAND LEASE, STATE OF OHIO, THROUGH SUPERINTENDENT OF PUBLIC WORKS, WITH THE HARDING-JONES PAPER COMPANY, EXCELLO, OHIO, TERM NINETY-NINE YEARS, ANNUAL RENTAL, \$24.00, RIGHT TO OCCUPY AND USE FOR MANUFACTURING AND GENERAL BUSINESS PURPOSES, DESCRIBED PORTION, ABANDONED MIAMI AND ERIE CANAL LANDS, MIDDLETOWN, BUTLER COUNTY, OHIO.

COLUMBUS, OHIO, July 29, 1938.

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

DEAR SIR: You have submitted for my examination and approval a certain canal land lease in triplicate executed by the State of Ohio, acting through you as Superintendent of Public Works and as Director of said department, to The Harding-Jones Paper Company of Excello, Ohio. By this lease, which is one for a stated term of ninety-nine years, renewable forever, with a provision for revaluation of the property leased for rental purposes at the end of each fifteen-year period during the term of the lease, and which during the first fifteen-year period of the lease provides for an annual rental of \$24.00, there is leased and demised to the lessee above named the right to occupy and use for manufacturing and general business purposes a parcel of abandoned Miami and Erie Canal lands which is a part of a certain state lot situated in Section 31, Town 2, Range 4, between the Rivers Survey, and which is more particularly described as follows:

Beginning at a point in the northerly line of Section 31, Town 2, Range 4, in the original survey between the Miami Rivers, which is also in the northerly line of the lot purchased by the State of Ohio from Sam Houseworth by deed dated

May 1st, 1837, and recorded in Deed Book No. 6, page 170, of the Butler County Record of Deeds, said point being eighty-one (81') feet southeasterly, by rectangular measurement along a line drawn through Station 10839+10, of H. C. Baldwin's Survey of the Miami and Erie Canal, south of Middletown, Butler County, Ohio, to a point in the outer margin of the towing-path embankment of said canal; thence easterly along the said northerly line of Section 31, thirty-five (35') feet, more or less, to a point one hundred (100') feet westerly by rectangular measurement from the center line of a public highway known as State Route No. 4; thence southeasterly parallel with and one hundred (100') feet westerly, by rectangular measurement, from the center line of said public highway, one hundred ninety-eight (198') feet, more or less, to a point in the southerly line of the aforesaid state lot; thence westerly along the southerly line of said lot, one hundred eighty-five (185') feet, more or less, to a point, said point being eighty-one (81') feet southeasterly, by rectangular measurement, along a line drawn through Station 10841+ 44, of said Baldwin's Survey of said canal to a point in the outer margin of the towing-path embankment of said canal; thence north  $25^{\circ} 46'$  east, thirty-two (32') feet, more or less to a point; thence north  $35^{\circ} 52'$  east, one hundred eighty-six (186') feet, more or less, to the place of beginning, containing forty-nine hundredths (.49) of an acre, more or less.

This parcel of Miami and Erie Canal lands is included in that section of said canal which was transferred to the jurisdiction and control of the Director of Highways by the Act of April 21, 1927, 112 O. L., 388. In this connection, it is noted, however, that the Director of Highways, acting under the authority of Sections 14153-5, et seq., General Code, as these sections are amended in the act of May 6, 1935, 116 O. L., 157-159, has by appropriate entries made in his office released the above described parcel of land from his jurisdiction and control and has transferred such jurisdiction and control back to the Superintendent of Public Works. In this situation, you, as Superintendent of Public Works and as Director of said department, were authorized to execute this lease to the lessee above named and upon the terms and conditions therein provided for, under the terms and provisions of Section 14153-8, General Code, as said section is amended in the act above referred to.

Upon examination of this lease, I find that the same has been properly executed and acknowledged by you as Superintendent of Public Works and as Director of said department acting for and on behalf of

the State of Ohio and by The Harding-Jones Paper Company, the lessee therein named, acting by the hand of its President, acting pursuant to the authority of a resolution duly adopted by the Board of Directors of said company.

It further appears on an examination of the provisions of this lease and of the conditions and restrictions therein contained that the same are in conformity with the statutory provisions above noted, under the authority of which this lease is executed, and with other statutory provisions 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 enclosed.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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2776.

STATUS—STATE OF OHIO, THROUGH DIRECTOR, DEPARTMENT OF HIGHWAYS, CERTAIN TITLE OF TOLEDO EDISON COMPANY, LANDS IN LUCAS COUNTY, OHIO—SEE VOLUMES I AND II, OPINIONS OF ATTORNEY GENERAL, 1935, PAGES 641 AND 800.

COLUMBUS, OHIO, July 30, 1938.

HON. JOHN JASTER, JR., *Director, Department of Highways, Columbus, Ohio.*

DEAR SIR: This will acknowledge receipt of your recent communication wherein you request my supplemental opinion concerning the title of the Toledo Edison Company to certain lands situate in Lucas County, the status of which was discussed in Volumes I and II of the Opinions of the Attorney General for the year 1935, pages 641 and 800, respectively,

An examination of the abstracts and materials submitted disclosed the following:

1. The first of the above mentioned opinions directed attention to a \$15,000,000.00 bond issue secured by a mortgage and, also, to a reservation, in the deed of the Toledo Ottawa Beach and Northern Railway Company, of a perpetual easement for railway purposes. However, since