

leases and under the more specific terms of Section 13970, General Code, which provide, among other things, for the lease of canal lands for gas pipe line purposes.

Upon examination of this lease, I find that the same has been executed in the manner provided by law by you as Superintendent of Public Works, acting for and in the name of the State of Ohio, and by The East Ohio Gas Company, by the hand of its President acting pursuant to a resolution of the Board of Directors of said company duly adopted under date of September 24, 1937.

I further find upon an examination of the provisions of this lease and of the conditions and restrictions therein contained that the same are in conformity with the sections of the General Code above noted 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 this lease and upon the duplicate and triplicate copies thereof.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

1493.

APPROVAL—CANAL LAND LEASE EXECUTED BY THE
STATE OF OHIO TO THE HINDE AND DAUCH PAPER
COMPANY OF SANDUSKY, OHIO.

COLUMBUS, OHIO, November 19, 1937.

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

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a canal land lease in triplicate executed by you as Superintendent of Public Works to The Hinde and Dauch Paper Company of Sandusky, Ohio. By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$15.00, there is leased and demised to the lessee above named the right to occupy and use for general business and manufacturing purposes that portion of the abandoned Miami and Erie Canal property, located in the city of Delphos, Van Wert County, Ohio, which comprises the State Lot adjacent to Lock No. 24, numbered northerly from the Loramie Summit, and which is more particularly described as follows:

Beginning at a point which is ten (10') feet west of and at right angles to Station 4700+12.7 of S. A. Buchanan's survey of said Miami and Erie Canal property; thence westerly and at right angles to said transit line, one hundred thirty-two (132') feet to a cast iron marker; thence southerly and at right angles to the preceding course, three hundred thirty (330') feet to a cast iron marker; thence easterly and at right angles to the last named course, one hundred thirty-two (132') feet to a point; thence northerly and parallel to said transit line; three hundred thirty (330') feet to the place of beginning and containing one (1) acre, more or less; reserving and excepting therefrom so much of the above that may be occupied by the public highway.

Whatever question may be suggested with respect to your authority to lease the state lot here in question under the provisions of the DeArmond Act, 114 O. L., 546, I am quite clearly of the view that you are authorized to execute a lease of this kind for a term of fifteen years under the provisions of Section 13965, General Code.

Upon examination of this lease, I find that the same has been executed by you as Superintendent of Public Works, acting for and in the name of the State of Ohio, and by The Hinde and Dauch Paper Company, lessee, acting by the hand of its President pursuant to the authority conferred upon him for this purpose by a resolution of the Board of Directors of said company. Upon a consideration of the provisions of this lease and of the conditions and restrictions therein contained, I find that the same are in conformity with the statutory provisions above referred to and with other statutory enactments relating to leases of this kind. I am, therefore, 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 to you.

Respectfully,

HERBERT S. DUFFY,

Attorney General.