

Code, expired on February 28, 1938. At no time prior to that date was there a vacancy in the ranks to which he was entitled to be reinstated. The expectancy or even the probability that such a vacancy would occur as the result of a promotional examination which would advance one of the patrolmen to the rank of Chief did not constitute a vacancy in the ranks of the patrolmen.

Therefore, it is my opinion that the patrolman laid off on March 1, 1936, is not entitled to reinstatement under the provisions of Section 486-17b, General Code.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2349.

APPROVAL—CANAL LAND LEASE, STATE OF OHIO, THROUGH SUPERINTENDENT OF PUBLIC WORKS, WITH JOHN S. ROBINSON, CIRCLEVILLE, OHIO, TERM FIFTEEN YEARS, ANNUAL RENTAL \$6.00, RIGHT TO OCCUPY AND USE FOR WALKWAY AND DRIVEWAY PURPOSES, STRIP OF ABANDONED OHIO CANAL PROPERTY AS DESCRIBED, IN CIRCLEVILLE TOWNSHIP, CIRCLEVILLE, PICKAWAY COUNTY, OHIO.

COLUMBUS, OHIO, April 20, 1938.

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

DEAR SIR: You recently submitted for my examination and approval a canal land lease in triplicate executed by you in your official capacity as Superintendent of Public Works and as Director of said department to one John S. Robinson of Circleville, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$6.00, there is leased and demised to the lessee above named the right to occupy and use for walkway and driveway purposes a strip of abandoned Ohio Canal property within the limits of the city of Circleville, Circleville Township, Pickaway County, Ohio, that is twenty-five (25') feet, more or less, in width, extending easterly across the state canal property, commencing at Station 4+27.4 of W. C. Sanzenbacher's Survey of said canal north of High Street in said city, and extending thence northerly for a distance

of twenty-five (25') feet, it being the intention to lease a tract of ground twenty-five (25') feet in width, north and south, by fifty (50') feet, more or less, east and west, commencing at the westerly line of the towing-path embankment of said Ohio Canal and extending to the westerly line of a railway right of way that was sold by the State of Ohio to The Norfolk and Western Railway Company in 1911, and containing twelve hundred and fifty (1,250) square feet, more or less, subject to the right of lessees of the State of Ohio to cross the same when actually necessary.

Upon examination of this lease, which is executed by you under your general authority as successor to the power, authority and duties of the Board of Public Works and under the more special authority conferred by an Act of the 79th General Assembly enacted June 7, 1911, 102 O. L., 293, I find that the lease has been properly executed by you in your official capacity above stated and by John S. Robinson, the lessee therein named. I further find upon examination of this lease that the terms and provisions thereof and the conditions and restrictions therein contained are in conformity with said act and with other statutory provisions relating to leases of this kind. I am accordingly 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.

2350.

APPROVAL.—LEASE, STATE OF OHIO, THROUGH DIRECTOR OF PUBLIC WORKS, WITH THE PEOPLES BUILDING AND LOAN COMPANY, DELAWARE, OHIO, FOR USE, DIVISION OF AID FOR THE AGED, DEPARTMENT OF PUBLIC WELFARE, TERM TEN MONTHS, MONTHLY RENTAL, \$25.00, OFFICE SUITE, CORNER FOURTH FLOOR, THE PEOPLES BUILDING, DELAWARE, OHIO.

COLUMBUS, OHIO, April 20, 1938.

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

DEAR SIR: You have submitted for my examination and approval a lease executed by The Peoples Building and Loan Company of Delaware, Ohio, in and by which there are leased and demised to the State