

sublease. The application further states that no income whatever had been received from this property for a period of three years prior to the lease.

By the finding made by the Superintendent of Public Works a reduction is made in the amount of the delinquent rentals on this lease from the sum of \$2,812.80 to the sum of \$1,968.96. A reduction is granted as to current rentals on the lease for the period of time from November 1, 1935, to November 1, 1936, for the sum of \$879.00 to the sum of \$615.30. Under the facts appearing in this application the finding made by the Superintendent of Public Works is approved, as is evidenced by my approval endorsed upon the resolution which accompanies said finding, and upon the copies thereof, all of which, together with the finding and the application for the adjustment of these rentals, are herewith enclosed.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5666.

APPROVAL—CANCELLATION OF LEASE TO CANAL LANDS
IN LAWRENCE TOWNSHIP, TUSCARAWAS COUNTY,
OHIO—CONSERVATION DIVISION.

COLUMBUS, OHIO, June 2, 1936.

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

DEAR SIR: You have submitted for my examination and approval a finding made by your predecessor directing the cancellation of a lease executed to the Division of Conservation of the state of Ohio under date of November 29, 1932. By this lease instrument, there was leased and demised to the Conservation Division a parcel of Ohio Canal property located in Lawrence Township, Tuscarawas County, for fish hatchery purposes. From the application which was filed with the Superintendent of Public Works for the cancellation of this lease, it appears that under date of December 6, 1934, the Conservation Council of the Division of Conservation found it necessary to abandon the fish hatchery located on the lands covered by the lease for the reason that damage to the fish hatchery from surface water was such as to make it impossible to continue the hatchery without the expenditure of a prohibitive amount of money to remedy the situation.

Under the facts appearing on the application for the cancellation of

this lease, it seems to me that there was nothing for your predecessor to do other than to direct the cancellation of the lease as requested.

I am accordingly approving this finding, as is evidenced by my approval endorsed upon the resolution and upon the copies thereof, all of which, together with the application and finding, are herewith returned.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5667.

APPROVAL—LEASE TO OHIO CANAL LANDS AT MILLERSPORT CORPORATION, WALNUT TOWNSHIP, FAIRFIELD COUNTY, OHIO—THE OHIO FUEL GAS COMPANY, COLUMBUS, OHIO.

COLUMBUS, OHIO, June 2, 1936.

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 you as Superintendent of Public Works and as Director of this Department, acting on behalf of the state of Ohio, to The Ohio Fuel Gas Company, 99 North Front Street, Columbus, Ohio. This lease is one for a stated term of fifteen years and by its provisions there is leased and demised to the lessee above named certain parcels of abandoned Ohio Canal lands at Millersport corporation, Walnut Township, Fairfield County, Ohio, which are to be used by said lessee for gas pipe line purposes.

The parcels of land covered by this lease are a part of the Ohio Canal lands abandoned for canal purposes by an act of the 79th General Assembly, enacted under date of June 7, 1911, 102 O. L., 293. This act, read in connection with Section 464, General Code, authorizes you as Superintendent of Public Works to execute this lease which I find to be in conformity with the provisions of said act and with other related statutory provisions.

The lease provides for the payment of an annual rental of \$12.00, which is six percent of the appraised value of the property covered by the lease and which is in conformity with this and other laws relating to the execution of canal land leases.

The lease has been properly executed by you as Superintendent of Public Works and as Director of this Department, acting for and on behalf of the state of Ohio, and by The Ohio Fuel Gas Company, the lessee therein named acting by the hand of T. H. Kerr, Vice President