

5520.

APPROVAL—CONTRACT FOR HIGHWAY IMPROVEMENT IN  
MIAMI COUNTY, OHIO.

COLUMBUS, OHIO, May 14, 1936.

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

5521.

APPROVAL—APPLICATIONS FOR ADJUSTMENT OF RENT-  
ALS ON 29 M & E AND O & E CANAL LEASES.

COLUMBUS, OHIO, May 14, 1936.

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

DEAR SIR: House Bill No. 467, enacted by the 90th General Assembly under date of June 30, 1933, and which became effective on the 11th day of October, 1933, provides, among other things, that the Superintendent of Public Works, acting by and with the consent and approval of the Governor and Attorney General, is authorized to make reductions in the amount of current annual rentals payable on leases of canal lands upon applications therefor filed with the Superintendent of Public Works by individuals and corporations holding such leases. In making reductions in the amount of annual rentals provided for in such leases and payable under the terms of the lease, the Superintendent of Public Works acts only with respect to the current year. In this connection, however, the act above referred to provides that after the Superintendent of Public Works makes a reduction in the amount of the annual rental provided for in a lease of this kind for a particular lease year and such reduction has been approved by the Governor and the Attorney General, the Superintendent of Public Works, on or before the first day of November of each year thereafter, shall notify such lessee of the state who obtained an adjustment of rentals within the preceding year, of his intention either to continue for another year such reduced rental as had been determined upon by reason of his prior application filed with the Superintendent in the preceding year, or of his intention to restore all or a part of such reduction of rental. This statute further provides that the Superintendent of Public Works shall present a statement of his findings to the Governor and the

Attorney General for their approval, advising them as to the amount of rental to be collected on each of such leases, and that when so approved a duplicate copy thereof shall be filed with the Treasurer of State and rental bills for the ensuing year shall be rendered accordingly.

Acting on a number of applications for the adjustment of annual rentals on leases owned and held by the several individuals and corporations making the several applications for rental adjustments, your predecessor in the office of Superintendent of Public Works and as Director of said Department, made reductions in the amount of the annual rental provided for in each of a number of leases for the current year from May 1, 1934, to May 1, 1935, which reductions were in each case approved by the Governor and the Attorney General. Thereafter, on May 1, 1935, the Superintendent of Public Works determined to continue the reduced rental on these several leases for the year from May 1, 1935, to May 1, 1936, and pursuant to the requirement of the statute prepared notices to each of the several lessees holding the leases affected by these reductions and in each case stated in the notice the amount of such annual rental as reduced which was and is to be paid by the lessee for the year from May 1, 1935, to May 1, 1936.

These notices embodying therein the finding made by the Superintendent of Public Works as to the continuation of the reduced rental on these leases for the year from May 1, 1935, to May 1, 1936, have been submitted for my consideration and approval. These findings, designated as to the name of the lessee holding the lease affected by the action of the Superintendent of Public Works and as to the number of the lease and the reduced annual rental to be paid on the lease for the year from May 1, 1935, to May 1, 1936, are:

1. C. A. Weiant, et al., Lease O & E No. 164, reduced annual rental to be paid, \$80.00;
2. The Ohio Power Company, Lease O & E No. 175, reduced annual rental to be paid, \$16.00;
3. Silas C. Cole, Lease O & E No. 490, reduced annual rental to be paid, \$10.00;
4. Baltimore and Ohio Railroad Company, Lease O & E No. 633, reduced annual rental to be paid, \$361.40;
5. G. W. Miskimen, Lease O & E No. 360, reduced annual rental to be paid, \$20.00;
6. George M. Gray, Lease O & E No. 408, reduced annual rental to be paid, \$12.00;
7. Baltimore and Ohio Railroad Company, Lease O & E No. 675, reduced annual rental to be paid, \$71.40;

8. Troy City Mission, Lease M & E No. 215, reduced annual rental to be paid, \$32.00;

9. Skinner Irrigation Company. Lease M & E No. 191, reduced annual rental to be paid, \$100.00;

10. Skinner Irrigation Company, Lease M & E No. 274, reduced annual rental to be paid, \$80.00;

11. R. W. Bowen, Lease M & E No. 293, reduced annual rental to be paid, \$44.00;

12. Chale Brush, Lease M & E No. 299, reduced annual rental to be paid, \$72.00;

13. James K. Baker, Lease M & E No. 388, reduced annual rental to be paid, \$64.00;

14. Ralph Bowsman, Lease M & E No. 348, reduced annual rental to be paid, \$36.00;

15. The Toledo & Cincinnati Ry. Company, Lease M & E No. 441, reduced annual rental to be paid, \$105.60;

16. The Toledo & Cincinnati Ry. Company, Lease M & E No. 442, reduced annual rental to be paid, \$201.60;

17. Anna Stoker, Lease M & E No. 51, reduced annual rental to be paid, \$42.00;

18. Baltimore and Ohio Railroad Company, Lease O & E No. 6, reduced annual rental to be paid, \$822.00;

19. Baltimore and Ohio Railroad Company, Lease O & E No. 7, reduced annual rental to be paid, \$140.40;

20. Baltimore and Ohio Railroad Company, Lease O & E No. 9, reduced annual rental to be paid, \$144.00;

21. The Quaker Oats Company, Lease O & E No. 116, reduced annual rental to be paid, \$189.00;

22. Quaker Oats Company, Lease O & E No. 574, reduced annual rental to be paid, \$306.00;

23. Quaker Oats Company, Lease O & E No. 646, reduced annual rental to be paid, \$1418.20;

24. Quaker Oats Company, Lease O & E No. 663, reduced annual rental to be paid, \$264.60;

25. Quaker Oats Company, Lease O & E No. 664, reduced annual rental to be paid, \$245.16;

26. Hugh M. Eaton, Lease O & E No. 297, reduced annual rental to be paid, \$764.40;

27. Baltimore and Ohio Railroad Company, Lease O & E No. 676, reduced annual rental to be paid, \$168.60;

28. Cincinnati & Dayton Railway Company, Lease M & E No. 22, reduced annual rental to be paid, \$1340.80;

29. Toledo & Cincinnati Railway Company, Lease M & E No. 102, reduced annual rental to be paid, \$160.00;

Upon a consideration of the findings made by your predecessor and which you have recently submitted to me, the thought occurs to me that in all probability the economic and business conditions which affected the use of the parcels of canal lands covered by the several leases here in question, and the revenues and other benefits derived by the several lessees therefrom, continued in some measure with respect to the use of the leased property for the subsequent year, and that this was, perhaps, the reason why the Superintendent of Public Works determined to continue the reduced rentals under these leases for another year. In any event, it is to be assumed that the Superintendent of Public Works, acting under the authority conferred upon him by this act of the Legislature, made an investigation of conditions touching the question of the amount of annual rental to be paid on each of these leases for the year in question. In this view, I am approving the findings thus made by the Superintendent of Public Works with respect to the annual rental to be paid on these leases for the year from May 1, 1935, to May 1, 1936, as is evidenced by my approval endorsed upon the findings made by the Superintendent of Public Works which, as above noted, are, in each instance, embodied in the notice to the particular lessee affected by the findings so made. My approval is likewise endorsed upon the copies of these several findings, all of which, together with the originals, are herewith returned to you.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

5522.

SCHOOL BUILDING FUND—SPECIAL LEVY—MAY BE  
TRANSFERRED TO GENERAL FUND PURSUANT TO  
COURT ORDER.

*SYLLABUS:*

*Moneys appearing in a special school building fund representing the proceeds of special levies made over a period of years for the purpose of constructing a school building in the future and established pursuant to Section 5625-9(d), General Code, may be transferred to the general fund pursuant to court order as provided in Sections 5625-13a to 5625-13g, both inclusive, General Code.*

COLUMBUS, OHIO, May 14, 1936.

HON. PAUL A. FLYNN, *Prosecuting Attorney, Tiffin, Ohio.*

DEAR SIR: Your letter of recent date is as follows:

“The Board of Education of Clinton Township Rural School District, Seneca County, Ohio, for the past twenty years has been accumulating a school building fund for the purpose of