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APPROVAL—PROCEEDINGS RELATING TO THE APPLICATION MADE BY TOLEDO AND CINCINNATI RAIROAD COMPANY OF BALTIMORE CITY, MARYLAND, FOR A REDUCTION IN THE ANNUAL RENTAL TO BE PAID UPON THE LEASE OF MIAMI AND ERIE CANAL LANDS, BUTLER COUNTY, OHIO.

COLUMBUS, OHIO, May 16, 1934.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You recently submitted for my approval the report of your finding on an application made by The Toledo and Cincinnati Railroad Company of Baltimore City, Maryland, for a reduction in the annual rental to be paid by said company upon the lease of Miami and Erie Canal lands in the City of Hamilton, Butler County, Ohio, which canal lands said company is now occupying and using for right of way and other necessary railroad purposes.

The lease here in question, which bears serial number M&E 102, was executed under date of May 1, 1921, for a term of fifteen years expiring April 30, 1936, and the same provided for an annual rental of \$200.00.

The application for a reduction in the amount of the annual rental provided for in this lease was filed with you on or about November 27, 1933, pursuant to the provisions of House Bill No. 467, which was passed by the 90th General Assembly under date of June 8, 1933, and which became effective on the 11th day of October, 1933. 115 O. L. 512. By the provisions of this act, the Superintendent of Public Works, with the approval of the Governor and Attorney General, is authorized to make a rental adjustment on existing canal land leases for a period of one year in advance beginning with the next semi-annual rental payment date, provided for in such leases. Such rental readjustment can be made by the Superintendent of Public Works only upon an application therefor made by the lessee in the manner and form provided for in section 3 of said act, in and by which application, among other things, the lessee is required to set forth the reasons why the annual rental provided for in said lease should be revised. In the application filed by the lessee with you as Superintendent of Public Works, the reason assigned for the reduction in the annual rental provided for in this lease, requested by the lessee, is "economic conditions affecting railroad earnings". Acting upon this application you have made a finding in and by which you have granted to said lessee a reduction in the annual rental under said lease for the period of time between May 1, 1934, and May 1, 1935, and have fixed the annual rental to be paid by said lessee for this period at the sum of \$160.00.

Upon examination of the proceedings relating to this matter, including the application for the reduction in rental, above referred to, I am inclined to the view that they are in substantial conformity with the statutory provisions outlined in House Bill No. 467 and the same are accordingly hereby approved by me as to legality and form, as is evidenced by my approval endorsed in and upon the resolution of approval which is made a part of the proceedings relating to the reduction of said rental, and upon the copies thereof, all of which, together with the duplicate copies of your finding and the application, are herewith returned.

Respectfully,

JOHN W. BRICKER,
Attorney General.