

obtained by the Superintendent upon his investigation, it appears that the lessee can no longer economically use land or water covered by the lease. There is nothing in the applications for the cancellation of these leases or in the findings made by the Superintendent of Public Works to show that the failure of the lessee to make use of the property and rights granted to it by the leases was in any way due to economic conditions. It may well be that complete development of the facts relating to these matters will show that the lessee was unable to avail itself of its rights under these leases by reason of economic conditions. If these are the facts they should, of course, be set out in the application and the Superintendent of Public Works upon investigation should be fully satisfied that such facts exist before he makes any order directing the cancellation of these leases or of either of them. For the reasons above stated, I am returning the findings above referred to without my approval and I am herewith returning the same, together with the other files submitted.

Respectfully,

JOHN W. BRICKER,

Attorney General.

5665.

APPROVAL—APPLICATION FOR REDUCTION OF CURRENT
AND DELINQUENT RENTALS ON LEASE TO OHIO
CANAL LANDS AT AKRON, OHIO—CANAL BUILDING
COMPANY OF AKRON, 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 finding made by your immediate predecessor in office directing a reduction in the amounts of current and delinquent rentals on a lease executed to The Canal Building Company of Akron, Ohio, by which there was leased and demised to said lessee certain parcels of Ohio Canal lands at Akron, Ohio, for building purposes. This lease was executed under date of September 13, 1922, and, apparently, a building of some kind was erected upon the canal lands covered by the lease. In this connection, it is noted that in the application for the adjustment of the delinquent and current rentals on this lease it is stated that out of nine store rooms erected on the leased lands only one was occupied at the time of the application and that this tenant was paying no rent whatever under his

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