

2064.

APPROVAL — CANAL LAND LEASE, STATE OF OHIO, THROUGH SUPERINTENDENT OF PUBLIC WORKS, WITH GROVER V. BARR, PORTSMOUTH, OHIO, TERM FIFTEEN YEARS, ANNUAL RENTAL \$6.00, RIGHT TO OCCUPY AND USE FOR DRIVEWAY, LAWN AND GARDENING PURPOSES, CERTAIN DESCRIBED PORTION, ABANDONED OHIO CANAL PROPERTY, MORGAN TOWNSHIP, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, March 10, 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 Grover V. Barr of Portsmouth, 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 driveway, lawn and gardening purposes that portion of the abandoned Ohio Canal property located in Morgan Township, Scioto County, Ohio, and described as follows:

Beginning at a point same being opposite to station 1828+78, of W. H. Heiby's Survey of said canal property, also the southerly line of a lease granted to George A. Barr, under date of April 25, 1928, and running thence southerly with the lines of said canal property, one hundred (100') feet to station 1829+78, of said survey, and containing ninety-six hundred (9600) square feet, more or less, excepting therefrom any portion of the above described property that may be occupied by a state highway.

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 Grover V. Barr, 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.

2065.

CHATTEL MORTGAGES—COUNTY RECORDER—MUST MAINTAIN DIRECT AND INDIRECT RECORD—SEE SECTION 8562 G. C.

SYLLABUS:

A county recorder must maintain both a direct and indirect record of chattel mortgages to comply with the provisions set forth in Section 8562 of the General Code.

COLUMBUS, OHIO, March 11, 1938.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN: This will acknowledge the receipt of your recent communication requesting an opinion as follows:

“Section 8562, General Code, relating to the Recorder’s duties in the filing of chattel mortgages, reads in part as follows:

“The officer receiving such instrument shall endorse thereon the time of receiving it and its consecutive number and enter in a book to be provided by the county the names of parties thereto alphabetically arranged with the number of the instrument, its date, the day of filing it and the amount secured thereby, which entry must be repeated alphabetically under the name of every party thereto.”

May we respectfully request upon opinion the following question:

Under the provisions of this section, must the county recorder maintain both a direct and indirect record of chattel mortgages?”

Section 8562, General Code, which provides for the filing and re-