

2123.

APPROVAL—CANAL LAND LEASE, STATE OF OHIO, THROUGH SUPERINTENDENT OF PUBLIC WORKS, WITH CHARLES A. BICHSEL, NEW PHILADELPHIA, OHIO, TERM FIFTEEN YEARS, ANNUAL RENTAL \$15.00, RIGHT TO OCCUPY AND USE FOR AGRICULTURAL AND BUILDING PURPOSES, DESCRIBED PORTION, ABANDONED OHIO AND ERIE CANAL PROPERTY, ADAMS TOWNSHIP, COSHOCTON COUNTY, OHIO.

COLUMBUS, OHIO, March 19, 1938.

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

DEAR SIR: You recently submitted to me for my examination and approval a canal land lease executed by you as Superintendent of Public Works and as Director of said department to one Charles A. Bichsel of New Philadelphia, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$15.00, there is leased and demised to the lessee above named the right to occupy and use for agricultural and building purposes that portion of the abandoned Ohio and Erie Canal property, including the full width of the bed and banks thereof, located in Adams Township, Coshocton County, Ohio, and described as follows:

Beginning at a line drawn at right angles through station 3156+75, of G. F. Silliman's Survey of said canal property, and running westerly with the lines of said canal property, a distance of two hundred (200') feet, to station 3158+75, and containing 0.4 acres, more or less.

Upon examination of this lease, which is executed by you under the authority of an Act of the 89th General Assembly enacted April 29, 1931, 114 O. L., 541, I find that the same has been executed by you in your official capacity above stated and by Charles A. Bichsel in the manner provided by law.

Assuming, as I do, that this property has not been designated for state highway purposes and that no application for the lease of the same has been made by any of the corporations or persons having prior rights to the lease of this property under Section 8 of said Act,

I find that the terms and provisions of this lease and the conditions and restrictions therein contained are in conformity with the above mentioned Act of the legislature and with other related statutes. I am, therefore, 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.

2124.

ARSON—DEFENDANT IN CRIMINAL CASE—INSANITY,
PLEA—WHERE PROSECUTING ATTORNEY EMPLOYS
MEDICAL EXPERTS—EXPENSE OF SERVICE—MAY BE
PAID OUT OF FUND ARISING UNDER PROVISIONS OF
SECTION 3004 G. C.

SYLLABUS:

Where a defendant in a criminal case, upon arraignment on an indictment for arson, pleads not guilty by reason of insanity, and an examination of such defendant by medical experts for the purpose of informing the prosecuting attorney as to the sanity of such defendant, either before trial or for the purpose of testifying at the trial of such case, such a service is properly to be procured by the prosecuting attorney and the expense therefore, not being otherwise provided by law, it may properly be paid out of the fund arising under the provisions of Section 3004, G. C.

COLUMBUS, OHIO, March 19, 1938.

HON. T. B. WILLIAMS, *Prosecuting Attorney, New Lexington, Ohio.*

DEAR SIR: Your communication of recent date requesting my opinion reads as follows:

“A. B. was indicted by the November term of the grand jury of this county for the crime of arson. This man was suspected of setting fire to at least nine buildings within the past two years.

The defendant was brought into court, accompanied by his counsel and for plea said he was not guilty and he also,