

Summarizing, and in specific answer to your inquiry it is my opinion that:

1. A Domestic Mutual Casualty Company organized under Section 9607-2, General Code, may write fidelity and surety business under the provisions of Section 9607-2, sub-paragraph 7, General Code.

2. A domestic mutual casualty company which writes fidelity and surety business under the provisions of Section 9607-2, sub-paragraph 7, is required to make a deposit in accordance with the provisions of Section 9568, General Code.

3. Where a domestic mutual casualty company, engaged solely in the business of writing casualty insurance, has voluntarily deposited two hundred thousand dollars (\$200,000.00) with the Superintendent of Insurance in trust for the benefit of its casualty insurance policy-holders, which amount is required under Section 9568, General Code, to be deposited by a company engaged in the fidelity and surety business, such company may not thereafter, in applying for the right to engage in the fidelity and surety business under Section 9607-2, sub-paragraph 7, General Code, utilize such two hundred thousand dollars (\$200,000.00) deposit to meet the requirements of Section 9568, General Code, but must make an additional deposit therefor.

Respectfully,

JOHN W. BRICKER,

Attorney General.

2902

APPROVAL—CANAL LAND LEASE FOR THE RIGHT TO OCCUPY AND USE FOR COTTAGE SITE AND AGRICULTURAL PURPOSES THAT PORTION OF THE ABANDONED MIAMI AND ERIE CANAL PROPERTY, IN CONCORD TOWNSHIP, MIAMI COUNTY, OHIO.

COLUMBUS, OHIO, July 9, 1934.

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

DEAR SIR:—You have submitted for my examination and approval a canal land lease in triplicate executed by the State of Ohio through you as Superintendent of Public Works and as Director of such department to one Amy H. Wood of Dayton, Ohio. By this lease, which is one for a term of fifteen years and which provides for an annual rental of nine dollars, there is leased and demised to the lessee above named the right to occupy and use for cottage site and agricultural purposes that portion of the abandoned Miami and Erie Canal property including the full width of the bed and banks thereof located in Concord Township, Miami County, Ohio, and which is more particularly described as follows:

Beginning at a line drawn through Station 8085+30, of H. E. Whitlock's survey of said canal property and running thence southerly six hundred seventy (670') feet, as measured along the transit line of said survey to a line drawn at right angles to said transit line through Station 8092+00, of said survey, and containing one and fifty-eight hundredths (1.58) acres, more or less.

I have examined this lease and I find that the same has been properly executed by you in your official capacity as Superintendent of Public Works and as Director of this department and by Amy H. Wood, the lessee therein named. I also find, upon examination of the provisions of the lease and of the conditions and restrictions therein contained, that the same are in conformity with the provisions of the DeArmond Act and of other related statutory enactments providing for the lease of Miami and Erie Canal lands, and with other statutory provisions relating generally to the execution of canal land leases.

I am accordingly approving this lease as to legality and form as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, which are herewith returned.

Respectfully,
JOHN W. BRICKER,
Attorney General.

2903.

APPROVAL--CANAL LAND LEASE IN STARR TOWNSHIP, HOCKING COUNTY, OHIO, FOR THE RIGHT TO OCCUPY AND USE FOR AGRICULTURAL PURPOSES--WILLIAM ARBAUGH.

COLUMBUS, OHIO, July 9, 1934.

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

DEAR SIR:—You have submitted for my examination and approval a canal land lease executed by you as Superintendent of Public Works and as Director of such department to one William Arbaugh of Nelsonville, Ohio. This lease is one for a term of fifteen years and provides for an annual rental of \$7.50. By the terms of this lease instrument, there is leased and demised to the lessee above named the right to occupy and use for agricultural purposes that portion of the abandoned Hocking Canal located in Starr Township, Hocking County, Ohio, which is more particularly described in the lease as follows:

Being all of that portion of the said abandoned canal property lying between the southerly line of said abandoned canal property and the southerly line of State Highway No. 155 (Being State Route No. 31), as established by the Department of Highways of the State of Ohio, beginning at a line drawn through Station 1971 of the Bruce Doughton survey of said canal property and extending easterly 1,300 feet, as measured along the transit line of said survey to station 1981, being at a point one hundred thirty-five (135') feet west of the west end of Lock No. 20, also beginning at a line drawn through Station 1988, being one hundred forty-five (145') feet east of the easterly end of said Lock 20, and running thence easterly three hundred forty-two (342') feet, more or less, to the easterly line produced of the lands of the grantee herein and containing one and two-tenths (1.2) acres, more or less, see plats 23 and 24, Bruce Doughton's survey of said canal property, on file at the office of Public Works, at Columbus, Ohio.