

station 2286+46, and containing three and fifteen hundredths (3.15) acres, more or less.

Without having at hand an appropriate plat of the canal at this point, I am unable to determine from the description of the parcel of land covered by this lease whether the same is a part of the Ohio Canal abandoned by the Act of June 7, 1911, 102 O. L., 293, or is a part of that section of the canal known as the Columbus Feeder to the Ohio Canal which was abandoned for canal purposes by the Act of June 8, 1911, 102 O. L., 318. I assume, however, from your reference to the Ohio Canal in your description of the property in the lease that the same is a part of the Ohio Canal proper rather than of the Columbus Feeder to the Ohio Canal. In either event, however, your statutory authority to execute a lease of the parcel of canal land here in question is the same and is such as to cover the terms and provisions of this lease as the same is executed.

This lease and the duplicate and triplicate copies thereof have been properly executed by you as Superintendent of Public Works and as Director of said department, acting on behalf of the state of Ohio, and by Clarence Lloyd, the lessee therein named.

The provisions of the lease and the conditions and restrictions therein contained are such as are in conformity with the statutory provisions above noted and with the other statutory enactments relating to leases of this kind.

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, all of which are herewith returned.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

271.

APPROVAL, LEASE OF ABANDONED OHIO AND ERIE
CANAL LANDS IN HANOVER TOWNSHIP, LICKING
COUNTY, OHIO—B. H. FRASCH.

COLUMBUS, OHIO, March 17, 1937.

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

DEAR SIR:—You have submitted for my examination and approval

a lease executed by you as Superintendent of Public Works and as Director of said department to one B. H. Frasch of Newark, Ohio.

By this lease, which is executed in triplicate, which is for a 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 agricultural purposes that portion of the abandoned Ohio and Erie Canal in Hanover Township, Licking County, Ohio, that is described as follows:

All of the abandoned Ohio and Erie Canal property which is not now being occupied by the Licking County Black Hand Gorge Road and which commences at station 1808+00, of Bruce Doughton's Survey of said canal and extends thence in northerly and northwesterly directions a distance of seven hundred thirty-eight (738') feet, more or less, to station 1815+38; said station being at or near the center line of double arch culvert over Rocky Fork Creek.

The parcel of Ohio and Erie Canal lands covered by this lease is, I assume, a part of that section of the Ohio and Erie Canal extending from the junction of said canal with what is known as the Dresden Side Cut near Trinway in Muskingum County, to the southerly end of the aqueduct across Raccoon Creek in West Newark, Licking County, Ohio, which section of the Ohio or Ohio and Erie Canal was abandoned for canal purposes by an act of the legislature in the year 1911, 102 O. L., 293, the provisions of which have been carried into the General Code as Sections 14203-12, et seq.

Section 3 of said act (sec. 14203-14, G. C.) provides for the lease of the canal lands abandoned by said act and, further, provides more particularly that such land shall be leased in strict conformity to the then existing statutory provisions relating to canal lands (secs. 13965, et seq., G. C.), except that the grant of such leases shall be for a term of not less than fifteen nor more than twenty-five years and that the bed and banks of such abandoned canal property may be included in any lease of such canal lands.

Upon examination of this lease, I find that the same has been properly executed by you as Superintendent of Public Works and as Director thereof, acting on behalf and in the name of the State of Ohio, and by B. H. Frasch, the lessee therein named. I further find, upon examination of the provisions of this lease and of the conditions and restrictions therein contained, that the same are in conformity with the statutory provisions above noted and with other enactments relating to leases of this kind.

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, all of which are herewith returned.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

272.

APPROVAL, LEASE OF CANAL LANDS IN THE VILLAGE
OF BALTIMORE, FAIRFIELD COUNTY, OHIO, TO
GEORGE A. DAFT.

COLUMBUS, OHIO, March 17, 1937.

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

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a canal land lease in triplicate executed by you as Superintendent of Public Works and as Director of said department to one George A. Daft of Baltimore, Ohio. By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$12.00, there is leased and demised to the lessee above named the right to occupy and use for residence, business building and agricultural purposes that portion of the canal bed and towing-path embankment of the Ohio Canal in the village of Baltimore, Fairfield County, Ohio, commencing at the easterly line of Main Street in said village and extending thence northeasterly for a distance of about six hundred feet to the southerly right of way line of The Toledo and Ohio Central Railroad; excepting therefrom, however, so much of the bed of the canal property herein described as is now occupied by the Buckeye Lumber Company, and containing about one acre of land.

The parcel of land covered by this lease is, I assume, a part of that section of the Ohio Canal extending from the flume that connects Buckeye Lake with the Ohio Canal at the west end of said reservoir to the junction of said canal with the Ohio River near Portsmouth, Ohio, which was abandoned for canal purposes by an act passed by the legislature in 1911, 102 O. L., 293, and which has been carried into the General Code as sections 14203-12, et seq. Section 3 of this act (sec. 14203-14, G. C.) provides among other things, for the lease of canal lands abandoned