

the act of the 79th General Assembly enacted under date of June 7, 1911, 102 O. L., 293, or by the later act of the 88th General Assembly enacted April 19, 1929, 113 O. L., 524, providing, among other things, for the lease of canal lands between the flume at Buckeye Lake in Fairfield County, Ohio, and Little Walnut Creek in Pickaway County, Ohio.

In either event as to the particular statutory provisions applicable to this lease, it appears that you are authorized to execute the lease upon the terms and conditions therein provided for.

Upon examination of the lease, I further find that the same has been executed by you in your official capacity as Superintendent of Public Works and by Willard Wolfe, the lessee above named, in the manner provided by law. 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.

673.

APPROVAL—LEASE OF CANAL LANDS EXECUTED BY THE
STATE OF OHIO TO SMITH BROTHERS OF WAVERLY,
OHIO, D. B. A. C. F. SMITH'S SONS.

COLUMBUS, OHIO, June 1, 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, on behalf of the State of Ohio, to George B. Smith, H. A. Smith and E. P. P. Smith of Waverly, Ohio, doing business as C. F. Smith's Sons.

This lease is one for a stated term of fifteen years and provides for an annual rental of \$30.00 and by its provisions leases and demises to the lessees above named the right to occupy and use for building and business purposes that portion of the abandoned Ohio and Erie Canal property located in the village of Waverly, Pike County, Ohio, that is described as follows:

Beginning at the southwesterly line of High Street in said Village and extending thence southwesterly with the State property lines, a distance of sixty (60') feet, more or less, to the northeasterly boundary line of a lease now held by James S. Hammond, and containing four thousand three hundred and twenty (4,320) square feet, more or less; excepting therefrom so much of said canal property that may be occupied by permanent buildings.

This lease is one executed under the general authority conferred upon you by Sections 13965, et seq., General Code, and by the more particular provisions of an act of the 79th General Assembly enacted under date of June 7, 1911, 102 O. L., 293. This act provides for the abandonment of the Ohio Canal from Buckeye Lake to the point where said canal joins the Ohio River near Portsmouth, Ohio, and further provides among other things, for the lease of the canal lands abandoned by this act in strict conformity with the general statutory provisions relating to the lease of state 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 years nor more than twenty-five years, and the bed and banks of said canal property shall be included in any lease of said canal lands.

This lease and the conditions and restrictions therein contained are in apparent conformity with the provisions of the act of the legislature above referred to and inasmuch as the lease has been executed by you in your official capacity and by the lessees above named in the manner required by law, I am approving this lease as is evidenced by my approval endorsed on the lease and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

674.

APPROVAL—LEASE OF CANAL LANDS EXECUTED BY THE
STATE OF OHIO TO CHARLES J. WRIGHT OF LOGAN,
OHIO.

COLUMBUS, OHIO, June 1, 1937.

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

DEAR SIR: This is to acknowledge the receipt of your recent com-