

cate, executed by you, in your official capacity as Superintendent of Public Work, and Director of said Department, to one C. E. Walkenspau of Newcomerstown, Ohio. This lease is one for a stated term of 15 years and provides for an annual rental of \$9, payable in semi-annual installments, and by the provisions of the same, there is leased and granted to the above named lessee, the right to occupy and use for cottage site and agricultural purposes, that portion of the Ohio Canal Lot including the full width of the bed and embankment thereof, located in Oxford Township, Coshocton County, Ohio, and described as follows:

Beginning at a line drawn at right angles to the transit line of the G. F. Stillman survey through Station 3169, and running thence south-westerly with the lines of said canal property, one hundred (100') feet, to a line drawn at right angles through Station 3170; reserving therefrom any portion of the above described property that may be occupied by the Public Highway.

This lease is one executed by you under the authority conferred upon you by Amended Substitute Senate Bill No. 72, enacted by the 89th General Assembly, 114 O. L., 541. This act which provides for the abandonment of the Ohio Canal in Tuscarawas, Coshocton, and Muskingum Counties, provides for certain priorities with respect to the right to take leases of Ohio Canal Lands abandoned by the provisions of this Act. It does not appear that C. E. Walkenspau, the lessee named in this lease, is within the class of persons having priorities with respect to the lease of the above described parcel of abandoned Ohio Canal Lands. In approving this lease, I am assuming, therefore, that all persons, corporations and political sub-divisions having priorities with respect to the lease of the parcel of land here in question, have waived their rights by failing to make application for the lease of this property within the time prescribed in said Act.

With these assumptions, and finding, as I do, that the lease has been properly executed by you and by the lessee above named, and that the provisions of this lease and all of the conditions and restrictions therein contained are in conformity with the Act of the Legislature above referred to, and with other statutory enactments relating to cases of this kind, I am hereby 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 enclosed.

Respectfully,

JOHN W. BRICKER,
Attorney General.

1387.

APPROVAL, LEASE TO CANAL LANDS IN MADISON TOWNSHIP,
MUSKINGUM COUNTY, OHIO, FOR RIGHT TO OCCUPY AND USE
FOR AGRICULTURAL AND RESIDENCE PURPOSES—WILMER R.
RANGLES AND LORENA RANGLES. ¶

COLUMBUS, OHIO, August 11, 1933.

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

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

Canal Land Lease in triplicate executed by you, in your official capacity, to Wilmer R. Randles and Lorena Randles of Dresden, Ohio. By this lease, which is one for a term of 15 years and which provides for an annual rental of \$6, payable in semi-annual installments, there is leased and demised to the lessees above named the right to occupy and use for agricultural and residence purposes that portion of the abandoned Dresden side cut Canal, including the full width of the bed and banks thereof, located in Madison Township, Muskingum County, Ohio, and described as follows:

Beginning at the northerly end of the aqueduct of Wakatomka Creek, and running thence northerly with the lines of said abandoned canal property one thousand (1000') feet, more or less, to the southerly line produced across said canal property of the C. A. & C. branch of the Pennsylvania Railroad Company, and containing two (2) acres, more or less, reference being hereby made to Book 6, page 10, of the survey of said canal property made by D. C. Kennon, in 1890.

This lease, I assume, is one which you executed under the authority conferred upon you as Superintendent of Public Works by Amended Substitute Senate Bill No. 72, passed by the 89th General Assembly and found in 114 O. L., 541 to 545 inclusive. This Act, which provides for the abandonment for canal purposes, of that portion of the Ohio Canal and all canal feeders connected therewith, located within Tuscarawas, Coshocton and Muskingum Counties, Ohio, and for the sale or lease of the canal land thus abandoned, makes specific provisions in Section 8 of the Act for certain priorities with respect to the lease of these canal lands, provided the persons, corporations or political sub-divisions having such priorities make their respective applications for the lease of such lands within the time or times prescribed in this section of the Act. It does not affirmatively appear that Wilmer R. Randles and Lorena Randles are persons having priorities under this statute. In this situation I am required to assume in favor of the regularity of your action in executing this lease to the above named persons, that all persons, corporations, and political sub-divisions having priorities to the lease of the particular parcel of canal land here in question, have waived their rights with respect to this property by failing to make application for the lease of the same, within the time prescribed by the statute.

With this assumption, I find that the lease here in question has been properly executed by you and by the lessees therein named. I further find upon examination of the provisions and restrictions therein contained that the same are in conformity with the Act of the 89th General Assembly above referred to and with other sections of the General Code, 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 enclosed.

Respectfully,
JOHN W. BRICKER,
Attorney General.