

proper form and I am retaining the same for the present. I am, however, returning to you the abstract of title so that there may be included therein any subsequent proceedings relating to the dismissal of the case above referred to or otherwise.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

390.

APPROVAL—LEASE OF CANAL LANDS TO EARL REID,
HARRISON AND WALNUT TOWNSHIPS, PICKAWAY
COUNTY, OHIO.

COLUMBUS, OHIO, April 6, 1937.

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

DEAR SIR: This is to acknowledge the receipt of your recent communication submitting 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, acting for and in the name of the State of Ohio, as lessor, to one Earl Reid, as the lessee therein named.

By this lease, which is one for a term of fifteen years and which provides for an annual rental of \$21.00, payable in semiannual installments of \$10.50 each, there are leased and demised to the lessee above named certain tracts or parcels of Ohio Canal lands in Harrison and Walnut Townships in Pickaway County, Ohio, which are more particularly described in the lease instrument as follows:

First Tract: One and nine-tenths (1.9) acres at the angle between Walnut Creek and the Ohio Canal at Lock No. 31, of the Ohio Canal numbering south from the Licking Summit.

Second Tract: That portion of the state canal lot at said Lock No. 31, that lies in the angle formed by the been in Walnut Creek on the westerly side of the Ohio Canal and the towing-path of said canal extending from the head of the guard-lock to the northerly line of a tract of land owned by William Miller, and containing five and six-tenths (5.6) acres.

The parcels of canal lands above described are included in that portion of the Ohio Canal which was abandoned for canal purposes by the Act of June 7, 1911, 102 O. L., 293 (Secs. 14203-12 to 14203-19, G. C.). Section 3 of this act provides for the lease of the canal lands abandoned by the act in conformity with the various provisions of the statutes of Ohio relating to the lease of state canal lands (Secs. 13963, et seq., G. C.), "expect 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 said abandoned canal property may be included in any lease of such canal lands."

It is evident, therefore, that this section of the Act of June 7, 1911 (Sec. 14203-14, G. C.), read together with the provisions of Section 464, General Code, authorizes you to execute this lease for the term therein stated.

It may be that the parcels of canal lands above described may be so situated as to be included within that part of the Ohio Canal which was abandoned for canal purposes by the Act of April 19, 1929, 113 O. L., 524, which act provided that the portion of the Ohio Canal commencing at the flume at Buckeye Lake in Fairfield County and extending thence southwesterly and southerly with the line of said Ohio Canal to its junction with Little Walnut Creek in Pickaway County, Ohio, and all basins, feeders, wide waters and state lands heretofore used in connection with said canal for navigation purposes, be abandoned for canal purposes. This act provided for certain prior rights of abutting property owners and of others with respect to the lease of Ohio Canal lands abandoned by the act. Assuming, as I must, in view of the execution of the lease here in question, that no application for the lease of the above described parcels or either of them has been made by any person or persons entitled to prior rights as to the lease of this property, I am of the opinion that you are authorized to execute this lease even though this property is included within that section of the Ohio Canal abandoned for canal purposes by the act last above referred to.

And since it appears from an examination of this lease that the same has been properly executed by you for and in the name of the State of Ohio, as lessor, and by Earl Reid, the lessee therein named, and that the provisions of the lease and the conditions and restrictions therein contained are in conformity with the act above referred to and other statutory provisions relating to leases of this kind, the same is hereby approved, as is evidenced by my approval

endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned to you.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

391.

APPROVAL—LEASE OF CANAL LANDS TO C. W. KOEBEL
IN MADISON TOWNSHIP, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, April 6, 1937.

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

DEAR SIR: This is to acknowledge receipt of your recent communication submitting 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, acting for and in the name of the State of Ohio, as lessor, to one C. W. Koebel, as the lessee therein named.

By this lease, which is one for a term of fifteen years and which provides for an annual rental of \$15.00, payable in semi-annual installments of \$7.50 each, there is leased and demised to the lessee above named a certain tract or parcel of abandoned Ohio and Erie Canal property, located in Madison Township, Franklin County, Ohio, which is more particularly described in the lease instrument as follows:

Beginning at or near station 2232+20, of A. Albright's survey of said canal which is on the easterly line produced of the lands now occupied by the Grantee herein, and running thence westerly fifteen hundred (1,500') feet, more or less, to the westerly line produced of the lands now occupied by the Grantee herein which is at or near station 2247+20, and containing two and eight-tenths (2.8) acres, more or less.

The parcel of canal lands above described is included in that portion of the Ohio Canal which was abandoned for canal purposes by the Act of June 7, 1911, 102 O. L., 293 (secs. 14203-12 to 14203-19, G. C.). Section 3 of this act provides for the lease of the canal lands abandoned by the act in conformity with the various provisions of the statutes of Ohio relating to the lease of state canal lands (Secs. 13963, et seq., G. C.),