

Upon examination of this lease, I find that the same has been properly executed by the conservation commissioner and by said lessee. I also find upon examination of the provisions of this lease and of the conditions and restrictions therein contained that the same are in conformity with statutory provisions 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,

JOHN W. BRICKER,
Attorney General

1024.

DISAPPROVAL, TWO LEASES TO MIAMI AND ERIE CANAL LANDS.

COLUMBUS, OHIO, July 11, 1933.

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

DEAR SIR:—Some time ago you submitted for my examination and approval two certain canal land leases executed by you as superintendent of public works, and as director of this department, by which there were leased and demised to the respective lessees therein named certain parcels of Miami and Erie Canal lands which had theretofore been abandoned for canal and hydraulic purposes by Amended Substitute Senate Bill No. 194 (DeArmond Act), passed April 9, 1931, and which became effective on the 5th day of August, 1931.

One of the leases above referred to is executed to the division of conservation of the department of agriculture and the same grants to said division the right to occupy and use for the propagation of fish a certain parcel of abandoned Miami and Erie Canal lands in the city of Piqua, which is more particularly described therein. The other lease referred to is one to W. A. Hull of Defiance, Ohio. This lease permits said lessee to occupy and use for recreational purposes a certain parcel of land in the city of Defiance.

Apparently, the prime purpose of the legislation in the enactment of the DeArmond Act, above referred to, was that such portions of the Miami and Erie Canal as might be designated by the state highway director for the purpose should be used in the construction of a public highway. To this end, the act provided that the director of highways within a certain time prescribed in the act should make a preliminary highway location survey of the lands of this canal for the purpose of determining what part or parcels of such canal lands might be needed for highway purposes. Section 13 of this act provides that lands not reserved by the highway director for highway purposes may be leased to any city, village or other political subdivision or to a municipal park board for public park purposes; while more pertinent, perhaps, to the question presented with respect to the leases here in question, section 19 of said act provides that at the end of two years from the date at which this act becomes effective, any portion of said abandoned Miami and Erie Canal land that has not been designated by the director of highways as necessary for state highway improvements under the terms of this act, or has not been leased for public park purposes, to any of the parties authorized to make application to lease portions of

said abandoned canal for public park purposes, may be appraised by the superintendent of public works and leased to responsible parties for a term of fifteen years or any multiple thereof up to ninety years, or for a term of ninety-nine years, renewable forever, subject to reappraisalment.

It is obvious from the provisions of the sections of this act above noted that the only authority which you now have with respect to the lease of such portions of abandoned Miami and Erie Canal lands as are not designated for highway purposes, is to lease the same for park purposes to some one or more of the political subdivisions mentioned in the act; and that you do not have any authority to lease any of such canal lands for any other purpose until the expiration of two years from the date of said act, that is, until August 5, 1933. In this situation, it is suggested that on or after August 5, 1933, the leases here in question be re-executed and resubmitted to this office for approval. The leases above referred to are herewith enclosed.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

1025.

APPROVAL, CERTIFICATE OF AMENDMENT TO ARTICLES OF INCORPORATION OF THE LOCOMOTIVE ENGINEERS MUTUAL LIFE AND ACCIDENT INSURANCE ASSOCIATION.

COLUMBUS, OHIO, July 11, 1933.

HON. GEORGE S. MYERS, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—I have examined the Certificate of Amendment to Articles of Incorporation of The Locomotive Engineers Mutual Life and Accident Insurance Association and find that it is not inconsistent with the Constitution and laws of this State and of the United States. I am therefore herewith returning it to you with my approval endorsed thereon.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

1026.

LIQUIDATED CLAIMS—COUNTY TREASURER MAY ACCEPT FROM SUBDIVISION IN PAYMENT OF TAXES WHEN.

SYLLABUS:

By virtue of the authority contained in House Bill 94, the county treasurer may accept "liquidated claims" of a subdivision in payment of taxes assessed and being collected for the benefit of such subdivision to the extent of the taxes assessed for the benefit of such subdivision for whatsoever purpose, and is not limited by