

I have carefully examined said resolution and find same correct in form and legal. I am therefore returning the same to you with my approval endorsed thereon.

Respectfully,  
JOHN W. BRICKER,  
*Attorney General.*

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2737.

APPROVAL, PROCEEDINGS RELATING TO APPLICATION OF THE  
COMMERCIAL PRINTING AND LITHOGRAPHING COMPANY OF  
AKRON, OHIO, FOR CANCELLATION OF LEASE OF OHIO AND  
ERIE CANAL LANDS IN THE CITY OF AKRON, OHIO.

COLUMBUS, OHIO, May 24, 1934.

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

DEAR SIR:—You have submitted for my examination and approval, your finding on the application of the Commercial Printing and Lithographing Company of Akron, Ohio, for the cancellation of a certain lease which was executed to said company by the Superintendent of Public Works under date of August 30, 1929, which lease is known and identified in the files of your office as O. & E. Canal Land Lease No. 628. By the lease here in question there was leased and demised to said company, for building purposes, a parcel of 13,455 square feet of Ohio and Erie Canal lands in the City of Akron, Ohio, at an annual rental provided for in said lease of \$1,310.00.

It appears from the application filed by the Commercial Printing and Lithographing Company as well as from your finding that at the time this application was filed there were no unpaid rentals upon this lease, and that the sole purpose of the application was to secure the cancellation of this lease under the authority conferred upon you by House Bill No. 467 (115 O. L., 512). The reason assigned by this company in its application for the cancellation of this lease is that it will never need this property for building purposes, and that the losses of the company have been so heavy in recent years that it will be burdensome to carry the lease.

Touching this question, it is provided in and by Section 6 of the Act of the 90th General Assembly above referred to, that if, at any time, any lessee of the State of Ohio can no longer economically use canal lands leased to him by the State of Ohio, such lessee may file with the Superintendent of Public Works, at least sixty days prior to any rental payment date, a sworn statement of facts pertaining to such lease, setting forth the reasons why such lease can not be used any longer by him, and requesting the cancellation of such lease. It is further provided by Section 7 of said Act that the Superintendent of Public Works, upon investigation of the facts pertaining to such lease, and being satisfied that the recommendations made in the application are true, and, further, that all accrued rentals upon the lease have been paid, may, with the approval and concurrence of the Governor and the Attorney General, cancel such lease, which

cancellation shall thereupon be noted upon the lease and upon the duplicate and triplicate copies thereof.

It appears from the finding made by you, that from your investigation of the facts pertaining to this lease the representations and statements made in the application have been found to be true and you have made an order cancelling said lease as of May 1, 1934. Upon examination of said application and of your proceedings relating to the cancellation of this lease, I am unable to say as a matter of law that your action is not justified; and, finding as I do, that your proceedings in this matter have been substantially regular, the same are hereby approved as to legality and form, as is evidenced by my approval endorsed upon the resolution of approval which is attached to, and made a part of the proceedings relating to the cancellation of this lease.

I am herewith returning to you all of the files submitted to me with respect to this matter.

Respectfully,

JOHN W. BRICKER,

*Attorney General.*

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2378.

APPROVAL, PROCEEDINGS RELATING TO ADJUSTMENT OF UNPAID RENTALS UPON LEASE OF CLIFFORD R. THORNTON FOR RIGHT TO TAKE WATER FROM TURKEYFOOT CHANNEL OF PORTAGE LAKES.

COLUMBUS, OHIO, May 24, 1934.

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

DEAR SIR:—You have submitted for my examination and approval a finding made by you upon the application filed by Clifford R. Thornton of Akron, Ohio, for an adjustment of unpaid rentals upon a lease granted by the State of Ohio, to said Clifford R. Thornton on December 21, 1931, by which lease the lessee therein named was given the right to take water from the Turkeyfoot Channel of the Portage Lakes, for sprinkling purposes.

I do not have this lease before me, but it seems that the same was for a term of five years, expiring May 1, 1935, and that it provided for a rental predicated upon the quantity of water used and, as stated in the application, amounting to \$215.00 annually. In any event, it appears that rentals have accrued in this lease up to May 1, 1934, amounting to \$860.00, which are unpaid. By his application said lessee seeks an adjustment and reduction in the amount of said unpaid rentals as well as in the amount of the current annual rental. And, acting upon his application after an investigation of the facts relating to this lease and to the lessee's use of water under the same, you have made an order reducing the amount of unpaid prior rentals from \$860.00 to \$634.25 and you have made a reduction in the amount of the current annual rental under this lease from \$215.00 to \$150.50.

Upon examining the proceedings relating to the adjustment of these rentals, including your findings and the application for the reductions filed with you, I am unable to say as a matter of law, that you were not justified in making these reduc-