

use of a plat therefor, I have had some difficulty in following the description set out in the lease of the strip or parcel of ground covered by the lease. As to this, I assume, however, that this lease does not permit the railroad company to occupy this canal property for a distance exceeding two miles, in violation of the provisions of Section 13965, General Code. And with this assumption, said lease is hereby approved.

I note that the lease form here under consideration and the duplicate and triplicate copies thereof provide for the acknowledgment of said lease both by you as Superintendent of Public Works and by the authorized officers of the railroad company. The officers of the railroad company have acknowledged said lease and the copies thereof before a Notary Public in and for the city of Baltimore in the State of Maryland. You have not yet acknowledged said lease. In the case of *Emmitt vs. Lee*, 50 O. S. 662, it was held that leases executed by the Board of Public Works in performance of the official duties of the board are not required to be acknowledged; and by the same token, it may be said that you, as Superintendent of Public Works and as successor to the powers and duties of the Board of Public Works, are not required to acknowledge leases executed by you in your official capacity. Needless to say, there is nothing in the law which prevents you from acknowledging this or any other lease when it is desirable to do so, and it is suggested that, unless there is some rule or policy of your department, which forbids such action, the lease here in question and the copies thereof be acknowledged by you before some authorized officer on the forms set out on the back of said lease and on each of said copies.

My approval is herewith endorsed on said lease and on the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

GILBERT BETTMAN,
Attorney General.

388.

APPROVAL, LEASE TO ABANDONED MIAMI AND ERIE CANAL LAND
IN THE CITY OF CINCINNATI—CITY OF CINCINNATI.

COLUMBUS, OHIO, May 8, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a certain lease in triplicate executed by the State of Ohio through you as Superintendent of Public Works and as Director of said department, whereby there is leased and demised to the city of Cincinnati Parcel No. 100 of the allotment of Miami and Erie canal lands in said city, for a term of ninety-nine years, renewable forever.

The parcel of land here in question is a part of the abandoned Miami and Erie canal lands lately relinquished by the city of Cincinnati to the State of Ohio under authority of the Act passed by the General Assembly under date of April 20, 1927 (112 O. L., 210).

Without information to the contrary, I assume that the city of Cincinnati is now the owner of property abutting upon the above mentioned parcel of Miami and Erie canal lands and that the city is entitled to purchase or lease the same at the appraised value under the provisions of Section 9 of said Act of the General Assembly, above referred to.

An examination of the provisions of the lease here in question shows that the same is in conformity with the provisions of the above mentioned act under the

authority of which it is executed, and other statutory provisions relating to leases of this kind. Said lease is therefore accordingly approved by me as to form.

Insofar as Section 9 of the above mentioned act requires that sales or leases of abandoned Miami and Erie canal lands so executed shall be subject to the approval of the Governor and the Attorney General, the lease to the city of Cincinnati of the above noted parcel of Miami and Erie canal lands is hereby approved, and my approval is endorsed on said lease and on the duplicate and triplicate copies thereof.

Respectfully,

GILBERT BETTMAN,
Attorney General.

389.

APPROVAL, LEASES TO ABANDONED MIAMI AND ERIE CANAL LANDS
IN AUGLAIZE, DEFIANCE AND HENRY COUNTIES.

COLUMBUS, OHIO, May 8, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval five certain leases in triplicate executed by the State of Ohio through you as Superintendent of Public Works and as Director of such department, whereby there is leased and demised to the several lessees therein named, for terms of fifteen years each, certain parcels of Miami and Erie canal lands abandoned under the provisions of House Bill No. 162 enacted by the 86th General Assembly (111 O. L. 208). The leases here in question are the following:

<i>Lessee</i>	<i>Location</i>	<i>Valuation</i>
(1) Ernest Lloyd, Napoleon,	Henry County-----	\$150 00
(2) P. H. Graetz, St. Marys,	Auglaize County-----	600 00
(3) Wm. Geiger, St. Marys,	Auglaize County-----	350 00
(4) Geo. C. Dirr, Defiance,	Defiance County-----	300 00
(5) Fred A. Yacmett, St. Marys,	Auglaize County-----	250 00

An examination of said several leases shows that as to form, they are in conformity with the provisions of the Act of the General Assembly above referred to, and with other statutory provisions relating to leases of this kind.

I assume that no applications for the lease of these several parcels of abandoned Miami and Erie canal land have been made by the municipal corporations in which the same are located or by other political subdivisions entitled to apply therefor.

With this assumption, the leases here in question are approved, and I am endorsing my approval upon said leases and upon the duplicate and triplicate copies thereof.

Respectfully,

GILBERT BETTMAN,
Attorney General.