

owns and holds such title to this land. In this connection, it may be stated no abstract or certificate of title was submitted to me with this deed and I am not, of course, expressing any opinion as to the title in and by which Lake White Company now owns and holds this land.

As above noted, you are authorized to acquire this land in the name of the State of Ohio for the purpose above stated, subject to the approval of the Governor and the Attorney General. You will, therefore, submit this deed to the Governor for his approval. After the Governor has approved this deed, he will again submit the same to me for my approval as Attorney General before the deed is filed for transfer and record.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

99.

APPROVAL—CANAL LAND LEASE TO LAND IN MADISON TOWNSHIP, FRANKLIN COUNTY, OHIO—CLARENCE LLOYD, COLUMBUS, OHIO.

COLUMBUS, OHIO, February 5, 1937.

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

DEAR SIR: You have submitted for my examination and approval a canal lease in triplicate executed by you as Superintendent of Public Works and as Director of said Department to one Clarence Lloyd of Columbus, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$20.00, there is leased and demised to the lessee above named for residence and agricultural purposes that portion of the abandoned Ohio Canal located in Madison Township, Franklin County, Ohio, which is described in the lease as follows:

Commencing at a line drawn at right angles to station 2192+75, and running thence westerly over and along the said abandoned canal property, including the embankments and bed thereof, a distance of twenty-seven hundred and fifty-two (2752') feet, more or less, to a line drawn at right angles to station 2220+27, and containing five and one-tenth (5.1) acres of ground, more or less.

Although it is not so stated in the lease instrument by recital or otherwise, I assume that this lease is one executed by you under the authority of an act of the 79th General Assembly passed under date of May 31, 1911, 102 O. L., 293. By this act that part of the Ohio Canal extending from Buckeye Lake to the Ohio River was abandoned for canal purposes. And by this act it was further provided in section 3 thereof that the canal lands therein abandoned for canal purposes should be appraised and that the same might be thereafter sold or leased by the State Board of Public Works which then had charge of the canal lands of the state. By this section the sale or lease of such lands was made subject to the approval of the Governor and the Attorney General, and it was further provided that the sale or lease of such canal lands should be in strict conformity with the general statutes of Ohio relating to the sale or lease of state canal lands, except that the grant of such leases should be for a term of not less than fifteen years nor more than twenty years, and that the bed and banks of said abandoned canal property might be included in any lease of such canal lands.

Upon examination of this lease, I find that the same has been properly executed by you as Superintendent of Public Works, acting on behalf of the State of Ohio, and by Clarence Lloyd, the lessee therein named. I further find that you are authorized to execute the lease here in question under the authority of the act of the legislature above referred to, and of the provisions of Section 464, General Code, which, among other things, provides that the Superintendent of Public Works shall exercise all the powers and duties heretofore conferred by law upon the Board of Public Works with respect to the sale and lease of canal lands. And inasmuch as the provisions of this lease and of the conditions and restrictions therein contained are in conformity with the statutory provisions above noted, and with other statutory enactments relating generally to canal land leases, I am approving this lease, 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,

HERBERT S. DUFFY,
Attorney General.