

Ohio. This lease is for a term of two (2) years, beginning on the first day of January, 1933, and ending on the 31st day of December, 1934, by the terms of which the State will be required to pay twenty-five dollars (\$25.00) per month on the first day of each and every month, in advance.

You have submitted encumbrance estimates which contain the certificate of the Director of Finance to the effect that funds are available for the payment of rentals for the months of January and February, 1933. In each instance where an individual is not leasing the premises, proper evidence of authority has been furnished indicating the right of the persons executing said leases to execute them.

Finding said leases in proper legal form, I hereby approve them as to form and return them herewith.

Respectfully,

JOHN W. BRICKER,
Attorney General.

118.

APPROVAL, LEASE TO CANAL LAND IN TUSCARAWAS COUNTY
FOR AGRICULTURAL AND COTTAGE SITE PURPOSES—VENCEL
FAIT.

COLUMBUS, OHIO, February 9, 1933.

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

DEAR SIR:—You have submitted for my approval a certain Canal Land Lease executed by the State of Ohio through you as Superintendent of Public Works and as Director of said Department, to one Vencel Fait, of New Philadelphia, Ohio.

By this lease, which is one for the stated term of fifteen (15) years and for an annual rental of Six Dollars (\$6.00) payable semiannually, there is demised and granted to said lessee the right to use and occupy for agricultural and cottage site purposes, a portion of the abandoned Ohio Canal property located in Goshen Township, Tuscarawas County, Ohio, and more particularly described as being the state lot deeded to the State of Ohio by one John Warner and wife, May 22, 1897, and containing one and twelve hundredths (1.12) acres, more or less.

Upon examination of this lease, I find that the same has been properly executed by you and by the lessee above named, assuming that you have the authority at the present time to execute the lease to this particular person.

In this connection, it is noted that the lease here in question is governed primarily by the Act of April 29, 1931, enacted by the Eighty-ninth General Assembly, providing for the abandonment for canal purposes, of that portion of the Ohio Canal lying within Tuscarawas, Coshocton and Muskingum Counties, Ohio, and providing for the sale and lease of such abandoned canal property. (114 O. L. 541). By Section 8 of this Act, certain priorities with respect to leases on these abandoned canal lands are provided for. Touching this point, it is noted that there is nothing in the lease to indicate that the lessee above named is the owner of an existing lease on the property above described or that he is the owner of a tract of land abutting upon this parcel of canal property, and as such entitled to priority with respect to the lease of this land. Assuming therefore, that this particular parcel of canal lands is not under existing lease, and that no

application for the lease of the same has been made by any municipality or by the owner of any tract of land abutting upon this parcel of canal property, I find this lease and the provisions thereof to be in conformity with the provisions of the Act of the General Assembly above referred to, and with all other statutory provisions relating to leases of this kind.

I am accordingly approving this lease as to legality and form and herewith return the lease, together with the duplicate and triplicate copies thereof, with my approval endorsed thereon.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

119.

APPROVAL, LEASE TO CANAL LAND IN PICKAWAY COUNTY FOR
 AGRICULTURAL AND COTTAGE SITE PURPOSES—BALDWIN
 ANDERSON.

COLUMBUS, OHIO, February 9, 1933.

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

DEAR SIR:—This is to acknowledge the receipt of your recent communication submitting for my examination and approval, among others, a certain Canal Land Lease in triplicate, executed by you in your official capacity as Superintendent of Public Works and as Director of said Department, to one Baldwin Anderson, of Circleville, Ohio.

By the lease here in question, there is demised and granted to said lessee for a stated term of fifteen (15) years, and for an annual rental of Six Dollars (\$6.00) payable semi-annually, the right to use and occupy for agricultural and cottage site purposes only, that portion of the abandoned Ohio Canal property located in Wayne Township, Pickaway County, Ohio, and which is more particularly described as follows:

“Beginning at a line drawn at right angles to the transit line of the W. H. Heiby Survey of said canal property through Station 3379, and running thence southerly with the lines of said canal property four hundred and twenty (420') feet, more or less, as measured along the transit line of said survey, to the northerly line of the driveway crossing said canal at or near Station 3383+40, and containing forty-one thousand (41,000) square feet, more or less.”

Upon examination of this lease, I find that the same has been executed by you and by the above named lessee in the manner required by law.

I further find upon examination of this lease, that the provisions thereof and the conditions and restrictions therein contained are in conformity with the Act of June 7, 1911, (102 O. L. 293), which has been carried into the General Code by designation as Sections 14203-12 to 14203-19 inclusive, and which provides for the abandonment of the Ohio Canal from the west end of Buckeye Lake to the City of Portsmouth, Ohio, and for the lease of such abandoned canal lands. I also