

from the corporate mortgages of its predecessor, The Cleveland, Lorain and Wheeling Railway Company.

I am therefore returning said deed without my approval with the request that when the release of said mortgages has been secured that said deed and proper evidence of the release of said mortgages be forwarded to this office for approval as required by the act of the Legislature above referred to.

Respectfully,

GILBERT BETTMAN,

Attorney General.

372.

APPROVAL, TRANSCRIPT OF PROCEEDINGS FOR SALE OF ABANDONED CANAL LAND, IN THE CITY OF NEWARK, LICKING COUNTY, OHIO.

COLUMBUS, OHIO, April 30, 1929.

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

DEAR SIR:—This is to acknowledge receipt of the transcript of the proceedings of your department relating to the proposed sale to one Frank Pfeffer, of Newark, Ohio, of a small parcel of the old abandoned canal basin and berme embankment of the Ohio Canal in the city of Newark, Licking County, Ohio, submitted for my approval under the provisions of Sections 13971 and 14203-22, General Code. The property here in question, consisting of 3140 square feet of land, is more particularly described in your formal communication to the Governor and to the Attorney General. Inasmuch as you have officially made a finding of fact to the effect that said canal land is not required for the use, maintenance and operation of the canals of the state and that the same cannot be leased so as to bring a six per cent annual rental on the appraised value of the property, you are authorized to sell said property with the approval of the Governor and the Attorney General, and, since no reason is apparent why this department should not approve said sale, your proceedings relating to the sale of this property is hereby approved, as is likewise the sale of the same for the sum of \$500.00, the appraised value of said property.

I have endorsed my approval on the original transcript of said proceedings and upon the duplicate copy thereof.

Respectfully,

GILBERT BETTMAN,

Attorney General.

373.

APPROVAL, LEASE TO CANAL LAND IN GREEN TOWNSHIP, HOCKING COUNTY, OHIO—FLOYD LOOMIS.

COLUMBUS, OHIO, April 30, 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 by which you, as Superintendent of Public Works and as Director of said department, are leasing and demising to one Floyd Loomis a certain parcel of abandoned Hocking canal lands in Green Township, Hocking County, Ohio, and which parcel of land is more particularly described in said lease. The lease here in question is executed pursuant to the authority of Section 14152-3 of the General Code, and of Sections 13965, et seq., General Code. The stated term of said lease is fifteen years. Considered as a lease for the stated term of fifteen years, the lease here in question is in conformity with the above noted and other sections of the General Code relating to leases of this kind.

The lease contains the provision granting to the lessee a right to renew said lease for a like term of years upon the expiration of the proposed lease, subject to reappraisal by proper State authorities at the time of such renewal. I am quite clearly of the opinion that there is no statutory authority whatever for the insertion of this provision with respect to the lessee's right to renew the said lease. Being unauthorized, and therefore void, said provision with respect to the lessee's right of removal does not of course affect any of the other provisions of the lease. Said provision being void as a matter of law, the lessee cannot of course secure any rights against the State by reason of any reliance thereon. In this view, and considering this lease as one only for the stated term of fifteen years, I see no reason why I should not approve the same. With this understanding, said lease is approved, and I am endorsing my approval thereon, and on the duplicate and triplicate copies thereof.

Respectfully,

GILBERT BETTMAN,

Attorney General.

374.

APPROVAL, BONDS OF JACKSON, JACKSON COUNTY—\$9,019.57.

COLUMBUS, OHIO, May 1, 1929.

Industrial Commission of Ohio, Columbus, Ohio.

375.

APPROVAL, BONDS OF WINCHESTER VILLAGE, ADAMS COUNTY—
\$4,000.00.

COLUMBUS, OHIO, May 1, 1929.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.