

Upon examination of this lease, I find that the same has been properly executed by the Conservation Commissioner and by the lessee above named. I further find upon examination of the provisions of this lease and of the conditions and restrictions therein contained that they are in conformity with section 471, General Code, as amended in the Conservation Act, and with other sections of the General Code relating to the execution of leases of this kind.

I am accordingly approving this lease as to legality and form, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

4548.

APPROVAL, LEASE TO STATE RESERVOIR LANDS AT BUCKEYE LAKE, OHIO, TO SAM KONANZ, FOR RIGHT TO USE FOR BOATHOUSE AND DOCKLANDING PURPOSES.

COLUMBUS, OHIO, August 5, 1932.

HON. I. S. GUTHERY, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of a recent communication over the signature of the Chief of the Bureau of Inland Lakes and Parks of the Division of Conservation in your department, requesting my approval of a certain reservoir land lease executed by the Conservation Commissioner, by which there is leased and demised to one Sam Konanz, of Columbus, Ohio, the right to use and occupy for boathouse and dockland purposes, for a term of fifteen years, the waterfront and state land in the rear thereof that lies immediately in front of Lot No. 44 of Bound's First Addition, Buckeye Lake, said lot having a frontage of forty feet, more or less, and being in the east half of Section 15, Township 17, Range 18, Licking County, Ohio.

Upon examination of this instrument, I find that the same has been properly executed as to form by the Conservation Commissioner and by the lessee above named.

With respect to the authority of the Conservation Commissioner to execute this lease under section 471, General Code, which, in general terms, authorizes the Conservation Commissioner to execute leases of state reservoir land, I am advised that a Mrs. Bounds, who is the owner of certain adjacent lots and lands, has questioned the title of the State to the property here in question, as well as other property upon the waterfront contiguous to lots and lands owned by her. There has not been presented to me any statement of the ultimate facts relating to this question upon which any legal conclusion can be drawn with respect to the question as to the title of the State to this property. In this situation the only thing that I can do in passing upon the legality of the form of this lease, is to assume that the State has title to this property. And, upon this assumption, I am of the opinion, from an examination of the provisions of this lease and of the conditions and restrictions therein contained, that this lease is in conformity with the provisions of section 471, General Code, and with other statutory provisions relating to the execution of leases of this kind.

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

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

4549

DISCUSSION OF AUTHORITY OF THE PUBLIC UTILITIES COMMISSION OF OHIO TO STAY THE RUNNING OF THE STATUTE OF LIMITATIONS.

COLUMBUS, OHIO, August 8, 1932.

MR. E. J. HOPPLE, *Chairman, Public Utilities Commission of Ohio, Wyandot Building, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your request to furnish the Public Utilities Commission with an opinion with respect to the authority of that Commission to stay the running of the Statute of Limitations (Sec. 11221-1, General Code of Ohio) upon an informal application.

Your letter recites that on July 13, 1927, the American Rolling Mill Company shipped a carload of sheet steel over the Cleveland, Cincinnati, Chicago and St. Louis Railway from Middletown, Ohio, to Cleveland, Ohio, consigned to the Geometric Stamping Company; that this shipment arrived at Cleveland and was delivered to the consignee on or about July 15, 1927, and the freight charges were paid on July 19, 1927.

It further recites that on January 31, 1930, you received a letter from the Benfer Company, dated January 30, 1930, reading as follows:

"Cleveland, Ohio, January 30, 1930.

"Big Four No. 774563-42

"Geo. Stpg. No. 16

"Our No. 31689.

"The Public Utilities Commission of Ohio,  
Columbus, Ohio.

"Gentlemen:

We are enclosing claim of the Geometric Stamping Company, their number and carrier's number as above and will request that you toll this as to the run of the time limit. We would also state that original papers have not been returned and are held by the carriers. Kindly acknowledge receipt obliging.

Yours very truly,  
THE BENFER COMPANY  
Bert L. Benfer,  
Commerce Counselor."

You then state that the claim referred to in the letter quoted consisted of one sheet statement indicating that a claim was filed with the railroad on or