

script relative to this issue was approved by this office in an opinion rendered to the State Teachers Retirement Board under date of August 21, 1935, being Opinion No. 4565.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said city.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

1466.

LEASE—CANAL LAND, STATE TO THE CHILLICOTHE PAPER COMPANY, OHIO AND ERIE CANAL, RENICK TOWER, CHILLICOTHE, ROSS COUNTY, PROXIMITY DESIGNATED STATIONS, USE, RIGHT TO LAY AND MAINTAIN WATER MAINS AND ELECTRIC CABLE.

COLUMBUS, OHIO, November 22, 1939.

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

DEAR SIR: You have submitted for my examination and approval a certain canal land lease in triplicate executed by the State of Ohio, acting through you as Superintendent of Public Works and as Director of said department, to The Chillicothe Paper Company, of Chillicothe, Ohio. By this lease, which is one for a stated term of ninety-nine years, renewable forever, with a provision for revaluation of the property leased for rental purposes at the end of each fifteen year period during the term of the lease, and which during the first fifteen year period of the lease provides for an annual rental of \$12.00, there is leased and demised to the lessee above named the right to lay and maintain one (1) sixteen-inch (16") water main and one (1) three-inch (3") lead covered electric cable over a portion of the abandoned Ohio and Erie Canal property, located at Renick Tower, Chillicothe, Ross County, Ohio, being between Station 3 + 95, and 5 + 19, of W. O. Sanzenbacher's Survey of said canal property, also being at or near Station 4255 + 61.5, of a survey made by The Toledo and Cincinnati Railroad Company, branch of The Baltimore and Ohio Railroad Company, as shown by a plat attached hereto.

For further description of the above described property, reference is hereby made to Plat No. 170, of W. O. Sanzenbacher's Survey of said canal property, now on file in the office of the Department of Public Works, at Columbus, Ohio.

Upon examination of this lease, I find that the same has been properly executed and acknowledged by you as Superintendent of Public Works

and as Director of said Department acting for and on behalf of The State of Ohio, and by the Chillicothe Paper Company, the lessee therein named, acting by the hands of the president and treasurer, acting pursuant to the authority of a resolution duly adopted by the Board of Directors of said company.

It further appears upon examination of the provisions of this lease, and of the conditions and restrictions therein contained, that the same are in conformity with the statutory provisions relating to 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 enclosed.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

1467.

BONDS—ANNUAL ALLOCATIONS RECEIVED FOR PAYMENT—SHALL FIRST BE APPLIED TO PAYMENT OF INTEREST AND WHEN BONDS MATURED, TO PAYMENT OF PRINCIPAL—IF ANNUAL ALLOCATIONS EXCEED REQUIRED AMOUNT—EXCESS SHALL BE USED FOR POOR RELIEF IN COUNTY—SEE HOUSE BILL 501, 91st GENERAL ASSEMBLY—AMENDED SENATE BILL 462, 92nd GENERAL ASSEMBLY—HOUSE BILL 572, 93rd GENERAL ASSEMBLY AND ALL AMENDATORY ACTS—EXCESS MONEYS FOR POOR RELIEF—DISTRIBUTION—AREA GEOGRAPHICAL LIMITS—SEE SECTION 3391-2 (9) G. C.—OPINION ATTORNEY GENERAL, 1937, VOLUME II, PAGE 1070 OVERRULED.

SYLLABUS:

1. *Annual allocations received in each year which have been pledged for the payment of bonds issued under the provisions of House Bill No. 501 of the 91st General Assembly (116 O. L. 571), Amended Senate Bill No. 462 of the 92nd General Assembly (117 O. L. 868), and House Bill No. 572 of the 93rd General Assembly, and all acts amendatory thereto, shall first be applied to the payment of the interest on such bonds and the principal of so many of such bonds as have matured, and if such annual allocations exceed the amount required for such purpose, such excess shall then be used for poor relief purposes within the county. (1937 O. A. G., Vol. II, page 1070, overruled.)*

2. *Such excess moneys so received for poor relief purposes within the county must be distributed among the local poor relief area within the*