

162, passed by the 86th General Assembly (111 O. L. 208), and that the provisions of said lease are in conformity with the provisions of said act. Said lease is therefore accordingly approved by me as to form.

Said Section 18 of the act above referred to provides that leases executed by you under the authority of said act and section thereof shall be made subject to the approval of the Governor and Attorney General. No facts are disclosed which suggest any reason why this lease should be disapproved by me, and the same is accordingly hereby approved and my approval is endorsed upon said lease and upon the duplicate and triplicate copies thereof.

Respectfully,
GILBERT BETTMAN,
Attorney General.

768.

APPROVAL, LEASE TO OHIO CANAL LAND IN OXFORD TOWNSHIP,
COSHOCOTON COUNTY—GEORGE W. WARNER.

COLUMBUS, OHIO, August 19, 1929.

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

DEAR SIR:—By communication of recent date you submitted for my examination and approval a certain lease in triplicate executed by you as Superintendent of Public Works and as director of said department, by which there is leased and demised to one George W. Warner, New Philadelphia, Ohio, for a term of fifteen years, a certain parcel of Ohio canal lands, including the full width of the bed and embankments thereof, located in Oxford Township, Coshocoton County, Ohio, the rental reserved in said lease being six per cent upon the sum of \$100.00, the appraised value of said parcel of land.

Upon examination of the terms and provisions of said lease, I find the same to be in conformity with the provisions of Section 13965 et seq., of the General Code, and with other statutory provisions relating to leases of canal lands. Said lease is accordingly approved as to form.

Inasmuch as no facts are presented in the consideration of this lease, which suggest any reason why your action in executing this lease should not be approved by me, the same is hereby approved and my approval is endorsed upon said lease and on the duplicate and triplicate copies thereof.

Respectfully,
GILBERT BETTMAN,
Attorney General.

769.

APPROVAL, LEASE TO MIAMI AND ERIE CANAL LAND IN THE CITY
OF ST. MARYS—HOME BANKING COMPANY.

COLUMBUS, OHIO, August 19, 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 executed by you as Superintendent of Public Works and as Director of

said department, by which there is leased and demised to The Home Banking Company, of St. Marys, Ohio, for a term of fifteen years, a certain parcel of abandoned Miami and Erie canal lands in the city of St. Marys, Auglaize County, Ohio, said parcel consisting of 472 square feet of land. Said lease is for an annual rental of six per cent upon the sum of \$300.00, the appraised value of said parcel.

A careful examination of said lease shows that the same conforms to the provisions of House Bill 162, passed by the 86th General Assembly, and to the provisions of Sections 13965, et seq., of the General Code, and to other related statutory provisions pertaining to the execution of leases of this kind. Said lease is therefore approved as to form.

Under the provisions of Section 464, General Code, all leases of canal lands executed by you in your official capacity as Superintendent of Public Works are required to be approved by the Governor and Attorney General. There being no apparent reason why this lease should not be approved by this department, the same is accordingly hereby approved by me and my approval is endorsed upon said lease and upon the duplicate and triplicate copies thereof.

Respectfully,

GILBERT BETTMAN,
Attorney General.

770.

HUMANE SOCIETY AGENT—WHEN APPOINTMENT APPROVED BY PROBATE JUDGE, SERVES UNTIL SOCIETY TERMINATES SERVICES—VALIDITY OF NUNC PRO TUNC ENTRY OF APPROVAL.

SYLLABUS:

1. *Where one has been duly appointed by a humane society as agent, and the probate judge duly approved said appointment, such person is duly qualified as a humane agent and is authorized to draw funds from the public treasury until such time as the humane society terminates his services in such capacity.*

2. *In the event of an appointment, the notice of which is directed to the probate judge by a letter, and the approval of the probate judge is made upon such letter, such circumstances would constitute a valid appointment of such agent, notwithstanding the probate judge failed properly to record said appointment as required by law.*

3. *The probate judge after having once approved the appointment of an agent of a humane society, is without power to take further action in the matter.*

COLUMBUS, OHIO, August 20, 1929.

HON. JAY R. POLLOCK, *Prosecuting Attorney, Defiance, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent communication which reads:

“Wish to submit the following proposition for your opinion:

Defiance County has a duly organized county humane society. On the 4th day of September, 1923, said society, at a regular meeting, appointed Ed. M. Colwell as its agent, to act as humane officer, and duly recorded said appointment in its minute book. Shortly thereafter said society notified Charles W. Palmer, the then probate judge, by letter, of said appointment and said probate judge endorsed upon said letter his approval of said appointment. Said letter was filed with the Auditor of this county as authority upon which said