

accordance with the provisions of the state laws, and he is delivered by the United States marshal to the proper state officers to be conveyed to a penal institution of the state. The United States government, by the provisions of Section 33 of the Judicial Code of the United States, does not attempt to deprive the state governments of jurisdiction over the prisoner after he is tried, for the federal government, after conviction and sentence, returns the prisoner to the state authorities. The purpose of the provisions of Section 33 of the Judicial Code to protect the officer in the line of his duties, is accomplished by the removal and trial of the officer by the federal court, and thereafter the defendant stands in the same position as any other person convicted of a violation of the state laws.

Under the provisions of Article III, Section 11 of the Constitution of the State of Ohio, the Governor has the power, after conviction, to grant reprieves, commutations and pardons, for all crimes and offenses against the State of Ohio, except treason and cases of impeachment, and I am of the opinion that where a person is indicted on a charge of manslaughter under the laws of the State of Ohio and the prosecution is removed to the District Court of the United States before trial, by virtue of the provisions of Section 33 of the Judicial Code of the United States, and said person after conviction is sentenced by the federal court to the Ohio penitentiary, such person may be granted a pardon or commutation of sentence by the Governor of the State of Ohio.

Respectfully,
 GILBERT BETTMAN,
Attorney General.

676.

APPROVAL, LEASES TO MIAMI AND ERIE CANAL LANDS IN ALLEN
 AND AUGLAIZE COUNTIES.

COLUMBUS, OHIO, July 26, 1929.

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

DEAR SIR:—You recently submitted to this department for examination and approval, three certain leases in triplicate, by which the State of Ohio through you as Superintendent of Public Works, has leased and demised to the respective lessees therein named, for terms of fifteen years each, certain parcels of abandoned Miami and Erie canal lands. The leases here in question which call for an annual rental of six per cent upon the appraised valuation of the parcel of land leased and demised, are:

<i>Lessee</i>	<i>Location of Property</i>	<i>Valuation</i>
The Commercial Banking Company,	Delphos, Allen County-----	\$500.00
F. F. Fortman and F. J. Fortman,	St. Marys, Auglaize County-----	500.00
Wm. F. Limbacher and Amanda L. Stubbs,	St. Marys, Auglaize County -----	666.67

An examination of said leases shows that the execution of the same is within the authority conferred upon you by Sections 13965, et seq., General Code, applicable to the leasing of canal lands generally in this state, and is likewise within the authority of later statutory provisions relating to the execution of leases of abandoned Miami and Erie canal lands. It further appears that said leases as to form, have been executed in accordance with the requirement of such statutory provision.

No reason is apparent why these leases should not be approved by me, and the same are accordingly hereby approved as is evidenced by my approval endorsed upon said leases and upon the duplicate and triplicate copies thereof.

Respectfully,

GILBERT BETTMAN,
Attorney General.

677.

APPROVAL, LEASE TO LAY GAS MAIN ALONG OHIO AND ERIE CANAL LANDS IN NORTON AND FRANKLIN TOWNSHIPS, SUMMIT COUNTY, OHIO—OHIO INSULATOR COMPANY, BARBERTON, OHIO.

COLUMBUS, OHIO, July 26, 1929.

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

DEAR SIR:—You have submitted to this department for examination and approval, a certain canal land lease executed by the State of Ohio through you as Superintendent of Public Works, by which there is leased and demised to The Ohio Insulator Company of Barberton, Ohio, for a term of fifteen years, the right and permission to use and occupy with a four inch gas main, a portion of the Ohio and Erie canal lands in Norton and Franklin Townships, Summit County, Ohio, and more particularly described in said lease. This lease provides for an annual rental of \$246.00 to be paid to the State of Ohio in semi-annual installments of \$125.00 each.

An examination of the provisions of said lease shows that the execution of the same is within the authority conferred upon you by the provisions of Section 13970, General Code, and that the lease as to form has been executed in conformity to the provisions of such section of the General Code and of other statutory provisions relating to the execution of leases of this kind. Inasmuch as no reason appears why said lease should not be approved by this department, 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.

678.

APPROVAL, LEASE TO OHIO CANAL LAND IN MARION TOWNSHIP, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, July 26, 1929.

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

DEAR SIR:—You recently submitted to this department for examination and approval, a certain canal land lease in triplicate, executed of the State of Ohio through you as Superintendent of Public Works, by which there is leased and demised to one O. O. Wolfe, Columbus, Ohio, a certain parcel of state canal property located in Marion Township, Franklin County, Ohio, on the Columbus feeder to the Ohio Canal.