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APPROVAL—APPLICATION FOR REDUCTIONS IN CURRENT ANNUAL RENTALS ON 16 M&E AND 20 O&E CANAL LAND LEASES.

COLUMBUS, OHIO, June 20, 1936.

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

DEAR SIR: House Bill No. 467, enacted by the 90th General Assembly under date of June 30, 1933, and which became effective on the 11th day of October, 1933, provides, among other things, that the Superintendent of Public Works, acting by and with the consent and approval of the Governor and the Attorney General, is authorized to make reductions in the amount of current annual rentals payable on leases of canal lands upon applications therefor filed with the Superintendent of Public Works by individuals and corporations holding such leases. In making reductions in the amount of annual rentals provided for in such leases and payable under the terms of the lease, the Superintendent of Public Works acts only with respect to the current year. In this connection, however, the act above referred to provides that after the Superintendent of Public Works makes a reduction in the amount of the annual rental provided for in a lease of this kind for a particular lease year and such reduction has been approved by the Governor and the Attorney General, the Superintendent of Public Works, on or before the first day of November of each year thereafter, shall notify such lessee of the state who obtained an adjustment of rentals within the preceding year, of his intention either to continue for another year such reduced rental as had been determined upon by reason of his prior application filed with the Superintendent in the preceding year, or of his intention to restore all or a part of such reduction of rental. This statute further provides that the Superintendent of Public Works shall present a statement of his finding to the Governor and the Attorney General for their approval, advising them as to the amount of rental to be collected on each of such leases, and that when so approved a duplicate copy thereof shall be filed with the Treasurer of State and rental bills for the ensuing year shall be rendered accordingly.

Acting on a number of applications for the adjustment of annual rentals on leases owned and held by the several individuals and corporations making applications for rental adjustments, your predecessor in the office of Superintendent of Public Works and as Director of said Department, made reductions in the amount of the annual rental provided for in each of a number of leases for the current year from May 1, 1935, to May 1, 1936, which reductions were in each case approved by the Gov-

ernor and the Attorney General. Thereafter, on June 9, 1936, you, as Superintendent of Public Works, determined to continue the reduced rental on these several leases for the year from May 1, 1936, to May 1, 1937, and pursuant to the requirements of the statute prepared notices to each of the several lessees holding the leases affected by these reductions, and in each case stated in the notice the amount of such annual rental as reduced which was and is to be paid by the lessee for the year from May 1, 1936, to May 1, 1937.

These notices embodying therein the findings made by the Superintendent of Public Works as to the continuation of the reduced rental on these several leases for the year from May 1, 1936, to May 1, 1937, have been submitted for my consideration and approval. These findings, designated as to the name of the lessee holding the lease affected by the action of the Superintendent of Public Works and as to the serial number of the lease and the reduced annual rental to be paid on the lease for the year from May 1, 1936, to May 1, 1937, are:

<i>Name</i>	<i>Number</i>	<i>Amount of reduced annual rental to be paid</i>
Max A. Haas.....	M&E 149	\$36.00
Cincinnati & Lake Erie R. R.....	M&E 256	552.00
The City of Sidney.....	M&E 385	1784.22
W. A. Wadsworth.....	M&E 504	49.50
Cincinnati & Dayton R. R. Co.....	M&E 22	1340.80
Toledo & Cincinnati R. R. Co.....	M&E 102	160.00
Skinner Irrigation Co.....	M&E 191	100.00
Troy City Mission.....	M&E 215	32.00
Skinner Irrigation Co.....	M&E 274	80.00
Gale Brush.....	M&E 299	72.00
Ralph Bowsman.....	M&E 348	36.00
James K. Baker.....	M&E 388	64.00
Toledo & Cincinnati R. R. Co.....	M&E 441	105.60
Toledo & Cincinnati R. R. Co.....	M&E 442	201.60
Anna Stoker.....	M&E 51	42.00
Byron G. Beatty.....	M&E 278	67.50
Baltimore & Ohio R. R. Co.....	O&E 6	822.00
Baltimore & Ohio R. R. Co.....	O&E 7	140.40
Baltimore & Ohio R. R. Co.....	O&E 9	144.00
Quaker Oats Co.....	O&E 116	189.00
Hugh M. Eaton.....	O&E 297	764.40
Chas. C. Coffman.....	O&E 302	400.00
Quaker Oats Co.....	O&E 574	306.00
Quaker Oats Co.....	O&E 646	1418.20

<i>Name</i>	<i>Number</i>	<i>Amount of reduced annual rental to be paid</i>
Quaker Oats Co.....	O&E 663	264.60
Quaker Oats Co.....	O&E 664	245.16
Baltimore & Ohio R. R. Co.....	O&E 676	168.60
C. R. Thornton.....	O&E 703	150.50
C. A. Weiant.....	O&E 164	80.00
Ohio Power Co.....	O&E 175	16.00
Silas Cole.....	O&E 490	10.00
Baltimore & Ohio R. R. Co.....	O&E 633	361.40
G. W. Miskimen.....	O&E 360	20.00
George M. Gray.....	O&E 408	12.00
Baltimore & Ohio R. R. Co.....	O&E 675	71.40
Mildred Stamm.....	O&E 454	14.40

Upon consideration of the findings made by you continuing the reductions in the amount of rentals to be paid on the several leases above referred to for the current year May 1, 1936, to May 1, 1937, the thought occurs that it is quite probable that the economic and business conditions which affected the use and income therefrom, if any, of the parcels of canal lands covered by the several leases here in question have continued to affect in some measure the present use and income of this property, and that this is, perhaps, the reason why you, as Superintendent of Public Works, have determined to continue the reduced rental under these leases for another year. In any event, it is to be assumed that you in your capacity as Superintendent of Public Works and acting under the authority conferred upon you by the act of the legislature above referred to, made an investigation of the present conditions touching the question of the amount of annual rental to be paid on each of these leases for the current year. In this view, I am approving the findings which you have made with respect to the annual rental to be paid on these leases from May 1, 1936, to May 1, 1937, as is evidenced by my approval endorsed upon the findings made by you, which, as above noted, are, in each instance, embodied in the notice to the particular lessee affected by the finding made with respect to the lease held by him. My approval is likewise endorsed upon the copies of these several findings, all of which, together with the originals, are herewith returned to you.

Respectfully,

JOHN W. BRICKER,
Attorney General.