

Considered as a lease for a term of fifteen years, the lease here in question is in proper form and contains all that is required to protect the interests of the state in leases of this kind.

This lease, however, contains a provision giving the lessee a right to a renewal thereof for a like number of years, subject to reappraisal at the date of the renewal. There is nothing in the provisions of Section 13970, or of other sections of the General Code, which authorizes the insertion of a provision for a renewal of a lease of this kind. In view of the investment to be made by the grantee and the quasi public purpose to be served by him, such privilege of renewing a lease at the expiration of the present lease may not only be desirable from the standpoint of the lessee, but may be at that time quite just and proper.

There is, however, no authority for inserting in this lease a provision for a renewal thereof upon its expiration, and I am quite clearly of the opinion that said provision for a renewal of said lease is wholly without authority and is for that reason null and void. Said provision for a renewal of said lease being unauthorized and null and void, it does not affect the validity of the other provisions of the lease and I think said lease can be approved as a lease for fifteen years, the stated term thereof.

With this understanding, I am approving said lease and endorsing my approval thereon and on the duplicate and triplicate copies thereof.

Respectfully,
GILBERT BETTMAN,
Attorney General.

371.

DISAPPROVAL, DEED TO LAND IN GOSHEN TOWNSHIP, TUSCARAWAS COUNTY, FOR THE SCHOENBRUNN MEMORIAL.

COLUMBUS, OHIO, April 30, 1929.

REV. J. E. WEINLAND, *Chairman, Schoenbrunn Committee, Dover, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication of recent date, submitting for my examination and approval, a warranty deed executed by the Baltimore and Ohio Railroad Company and conveying to the State of Ohio for the purposes of the Schoenbrunn Memorial, a tract of six and eighty-seven hundredths (6.87) acres of land in Goshen Township, Tuscarawas County, Ohio.

Under the act of March 27, 1925, 111 O. L. 84, the committee provided for and appointed under the provisions of said act, is authorized to acquire such land adjoining the original site of the village of Schoenbrunn as may be necessary to properly restore and preserve the historic landmarks of said settlement. Under the further provision of said act, the purchase and title to lands acquired by said committee should be approved by the Governor and the Attorney General before such title is accepted.

I see no reason why the purchase of the land here in question should not be approved by this department, but inasmuch as there is nothing in the provisions of the act above referred to, or of any other section of the General Code touching the question, which authorizes the State of Ohio to take title to real property other than such as is free and clear of encumbrances, I do not feel that you are authorized to accept this deed or pay the purchase price therefor, until the Baltimore and Ohio Railroad Company has obtained from the mortgage trustee a release of this tract of land

from the corporate mortgages of its predecessor, The Cleveland, Lorain and Wheeling Railway Company.

I am therefore returning said deed without my approval with the request that when the release of said mortgages has been secured that said deed and proper evidence of the release of said mortgages be forwarded to this office for approval as required by the act of the Legislature above referred to.

Respectfully,

GILBERT BETTMAN,

Attorney General.

372.

APPROVAL, TRANSCRIPT OF PROCEEDINGS FOR SALE OF ABANDONED CANAL LAND, IN THE CITY OF NEWARK, LICKING COUNTY, OHIO.

COLUMBUS, OHIO, April 30, 1929.

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

DEAR SIR:—This is to acknowledge receipt of the transcript of the proceedings of your department relating to the proposed sale to one Frank Pfeffer, of Newark, Ohio, of a small parcel of the old abandoned canal basin and berme embankment of the Ohio Canal in the city of Newark, Licking County, Ohio, submitted for my approval under the provisions of Sections 13971 and 14203-22, General Code. The property here in question, consisting of 3140 square feet of land, is more particularly described in your formal communication to the Governor and to the Attorney General. Inasmuch as you have officially made a finding of fact to the effect that said canal land is not required for the use, maintenance and operation of the canals of the state and that the same cannot be leased so as to bring a six per cent annual rental on the appraised value of the property, you are authorized to sell said property with the approval of the Governor and the Attorney General, and, since no reason is apparent why this department should not approve said sale, your proceedings relating to the sale of this property is hereby approved, as is likewise the sale of the same for the sum of \$500.00, the appraised value of said property.

I have endorsed my approval on the original transcript of said proceedings and upon the duplicate copy thereof.

Respectfully,

GILBERT BETTMAN,

Attorney General.

373.

APPROVAL, LEASE TO CANAL LAND IN GREEN TOWNSHIP, HOCKING COUNTY, OHIO—FLOYD LOOMIS.

COLUMBUS, OHIO, April 30, 1929.

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

DEAR SIR:—You have submitted for my examination and approval a certain