

prior to the amendments by House Bill No. 43, second special session of the 90th General Assembly, and that the deduction of \$25,000 provided for in section 5483, in its present form, does not apply to the tax levied for poor relief under the provisions of Amended Senate Bill No. 4, passed by the 89th General Assembly at its special session.

Respectfully,  
JOHN W. BRICKER,  
*Attorney General.*

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3842.

APPROVAL, BONDS OF CITY OF MARION, MARION COUNTY, OHIO,  
\$2500.00.

COLUMBUS, OHIO, January 19, 1935.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

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3843.

APPROVAL, BONDS OF CAMPBELL CITY SCHOOL DISTRICT, MAHONING  
COUNTY, OHIO, \$89,000.00.

COLUMBUS, OHIO, January 19, 1935.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

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3844.

APPROVAL, BONDS OF TOLEDO CITY SCHOOL DISTRICT, LUCAS COUNTY,  
OHIO, \$25,000.00.

COLUMBUS, OHIO, January 19, 1935.

*Industrial Commission of Ohio, Columbus, Ohio.*

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3845.

APPROVAL, LEASE TO CANAL LAND IN PIKE COUNTY, OHIO, FOR PUBLIC  
HIGHWAY AND ROAD PURPOSES.

COLUMBUS, OHIO, January 19, 1935.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your communication, submitting

for my examination and approval, a canal land lease, in triplicate, which you have executed in your official capacity as Superintendent of Public Works and as Director of said Department, to the Department of Highways of the State of Ohio. By this lease, which is one for a term of ninety-nine years, renewable forever, at an annual rental of \$6.00, there is leased and demised to the Department of Highways of this state for public highway and road purposes, a parcel of abandoned Ohio canal lands in Peepee Township, Pike County, Ohio, which parcel of land is more particularly described by metes and bounds in this lease.

As above indicated, the canal lands in question are a part of the Ohio canal system; and these lands are included in that part of the Ohio canal which was abandoned for canal purposes by the Act of the 79th General Assembly under date of June 7, 1911, 102 O. L. 293. By the provisions of this act the maximum term for which any of the canal lands abandoned by the act could be leased was and is a period of twenty-five years. However, Amended Substitute Senate Bill No. 69, enacted by the 89th General Assembly under date of April 22, 1931, 114 O. L. 518, commonly known as the Farnsworth Act, is an act of general application to all of the abandoned canals in this state; and by the provisions of this act such part of the abandoned canal lands in this state which have not been taken over by some municipal corporation or other political subdivision for public park and recreational purposes may be leased by the Superintendent of Public Works for a term of ninety-nine years, renewable forever, or for a term of fifteen years and multiples thereof up to ninety years. I am not prepared to say that the provisions of this act do not apply and afford to you authority to execute the lease here in question for the term therein provided for. On the contrary, I am inclined to the view that one of the purposes of the act was to authorize the Superintendent of Public Works to execute leases of abandoned canal lands for longer terms than those provided for in the several acts providing for the abandonment of the canal lands of this state for canal purposes.

Holding this view with respect to the purpose and effect of the Farnsworth Act as to this question, and finding, as I do, that this lease has been properly executed by you, and by the Department of Public Works by the hand of the Director of said Department, this lease is hereby approved by me, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

JOHN W. BRICKER,

*Attorney General.*

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3846.

COUNTY SURVEYOR—MAY GRANT PERMISSION FOR EXCESSIVE WEIGHT ON HIGHWAYS WITHIN COUNTY WHEN—PERMISSION BY DIRECTOR OF HIGHWAYS WHEN.

**SYLLABUS:**

1. *The County Surveyor of any county, upon written application, may grant permission for the intra-county movement of vehicles, objects or structures in excess of the maximum weight on the improved public streets and highways, bridges or culverts, within such county and located outside of any municipal corporation therein situated*