

cancellation shall thereupon be noted upon the lease and upon the duplicate and triplicate copies thereof.

It appears from the finding made by you, that from your investigation of the facts pertaining to this lease the representations and statements made in the application have been found to be true and you have made an order cancelling said lease as of May 1, 1934. Upon examination of said application and of your proceedings relating to the cancellation of this lease, I am unable to say as a matter of law that your action is not justified; and, finding as I do, that your proceedings in this matter have been substantially regular, the same are hereby approved as to legality and form, as is evidenced by my approval endorsed upon the resolution of approval which is attached to, and made a part of the proceedings relating to the cancellation of this lease.

I am herewith returning to you all of the files submitted to me with respect to this matter.

Respectfully,

JOHN W. BRICKER,

Attorney General.

2378.

APPROVAL, PROCEEDINGS RELATING TO ADJUSTMENT OF UNPAID RENTALS UPON LEASE OF CLIFFORD R. THORNTON FOR RIGHT TO TAKE WATER FROM TURKEYFOOT CHANNEL OF PORTAGE LAKES.

COLUMBUS, OHIO, May 24, 1934.

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

DEAR SIR:—You have submitted for my examination and approval a finding made by you upon the application filed by Clifford R. Thornton of Akron, Ohio, for an adjustment of unpaid rentals upon a lease granted by the State of Ohio, to said Clifford R. Thornton on December 21, 1931, by which lease the lessee therein named was given the right to take water from the Turkeyfoot Channel of the Portage Lakes, for sprinkling purposes.

I do not have this lease before me, but it seems that the same was for a term of five years, expiring May 1, 1935, and that it provided for a rental predicated upon the quantity of water used and, as stated in the application, amounting to \$215.00 annually. In any event, it appears that rentals have accrued in this lease up to May 1, 1934, amounting to \$860.00, which are unpaid. By his application said lessee seeks an adjustment and reduction in the amount of said unpaid rentals as well as in the amount of the current annual rental. And, acting upon his application after an investigation of the facts relating to this lease and to the lessee's use of water under the same, you have made an order reducing the amount of unpaid prior rentals from \$860.00 to \$634.25 and you have made a reduction in the amount of the current annual rental under this lease from \$215.00 to \$150.50.

Upon examining the proceedings relating to the adjustment of these rentals, including your findings and the application for the reductions filed with you, I am unable to say as a matter of law, that you were not justified in making these reduc-

tions. And, inasmuch as the proceedings relating to this matter have been substantially regular and in conformity with House Bill No. 467 passed by the 90th General Assembly, I am approving your proceedings as to legality and form, as is evidenced by my approval endorsed upon the resolution which is attached to your finding and which is made a part of the proceedings relating to the adjustment of these rentals. You will find enclosed herewith all of the files which have been submitted to me with respect to this matter.

Respectfully,

JOHN W. BRICKER,
Attorney General.

2739.

APPROVAL, PROCEEDINGS RELATING TO APPLICATION OF GABLE BRUSH, PIQUA, OHIO, FOR ADJUSTMENT OF UNPAID RENTALS AND OF CURRENT ANNUAL RENTALS OF MIAMI AND ERIE CANAL LAND LEASE, IN LOCKINGTON, SHELBY COUNTY, OHIO.

COLUMBUS, OHIO, May 24, 1934.

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

DEAR SIR:—You have submitted for my examination and approval, your findings on an application made by Gable Brush, of Piqua, Ohio, for an adjustment of unpaid rentals and of current annual rentals on Miami and Erie Canal land lease No. 299, which was executed to said Gable Brush on or about July 6, 1928. By the lease here in question, there was leased and demised to the lessee therein named, for residence and agricultural purposes, and for an annual rental of \$120.00, therein provided for, a parcel of abandoned Miami and Erie Canal property in the Village of Lockington, Shelby County, Ohio. It appears from the application, as well as from your finding, that the lessee is delinquent in the payment of rentals due and payable under this lease, up to and including May 1, 1934, in the sum of \$275.00. His application is for a reduction in such delinquent rentals as well as for a reduction in the amount of the current annual rental provided for in the lease. Acting upon this application and after investigating the facts in regard to the same, you have rejected the application in so far as the delinquent rentals under this lease are concerned, and you have granted a reduction in the current annual rental payable under the lease for the period from May 1, 1934 to May 1, 1935, from \$120.00 to \$72.00.

It is only that portion of your findings which effects a reduction in the amount of current annual rental which requires the approval of the Governor and of the Attorney General. And addressing myself to this question, I am unable to find as a matter of law, that your action in making this reduction is not justified; and finding that the proceedings relating to this reduction have been substantially regular and in conformity with the act of the Legislature authorizing the same, your proceedings in this matter are hereby approved as to legality and form, as