

as is evidenced by my approval appended to the resolution attached to the order above referred to, and to the copies of said resolution, all of which are herewith returned.

Before this cancellation is noted in the records of your office and otherwise made effective with respect to this lease, you should be satisfied "that all accrued rentals due thereon have been paid in full up to the next semi-annual rental payment date" as provided in Section 7 of said act, which section has been carried into the General Code as Section 478-7.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5442.

APPROVAL—APPLICATION FOR REDUCTION OF RENTALS
ON MIAMI AND ERIE CANAL LAND LEASE—J. HARVEY
McCLURE.

COLUMBUS, OHIO, May 1, 1936.

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

DEAR SIR: You recently submitted for my examination and approval a finding made by your office upon an application filed by one J. Harvey McClure, as co-receiver of the Cincinnati and Lake Erie Railroad Company for reductions in the amount of current and back rentals on a lease which was executed to said railroad company under its then name of the Cincinnati, Hamilton and Dayton Railway Company under date of January 18, 1927, and which provided for an annual rental of \$690.00.

The lease here in question, which is referred to on your records as Lease No. M. & E. 256, is one in and by which there is leased and demised to the lessee therein named and to its successors and assigns a section of Miami and Erie Canal lands in Montgomery, Warren and Butler Counties, which section is more particularly described in said lease and also in the application above referred to.

By your finding you have granted a reduction in the amount of the delinquent rentals under this lease, which is the sum of \$345.00, for the period of time from November 1, 1934, to May 1, 1935, to the sum of \$276.00. You have likewise granted a reduction in the amount of the current rentals provided for under this lease for the period of time from **May 1, 1935, to May 1, 1936**, from the sum of \$690.00, the annual rental provided for in the lease, to the sum of \$552.00. The reason assigned in the application for the reduction in the amounts of the delinquent and

current rentals under this lease is that the property of said railroad is in the hands of receivers and that the receivers find it necessary to curtail expenses whenever possible. A further reason assigned for these reductions is that the rental on this lease is based on a higher valuation than that prevailing at the time of the application and that for this reason an adjustment should be made in the amount of the rentals under the lease.

Assuming, as I am required to do in a case of this kind, that the Superintendent of Public Works upon the filing of this application made a thorough and complete investigation of the facts material to the question whether the reductions requested should be granted, I am inclined to the view that the action of your predecessor in granting these reductions should be approved, which is accordingly done as is evidenced by my approval endorsed upon the resolution which is attached to your finding and to the copies thereof, all of which, together with the finding and application, are herewith enclosed.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5443.

APPROVAL—APPLICATION FOR REDUCTION OF RENTALS
ON MIAMI AND ERIE CANAL LAND LEASE—MAX HAAS.

COLUMBUS, OHIO, May 1, 1936.

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

DEAR SIR: You have submitted for my examination and approval a report of the finding of your office upon an application made by one Max Haas of Sidney, Ohio, which reduction in the amounts of current and delinquent rentals under a lease of Miami and Erie Canal lands (M. & E. 149) now owned and held by said applicant and in and by which there was demised to him a parcel of abandoned Miami and Erie Canal lands near Port Jefferson, Shelby County, Ohio, which parcel is more particularly described in said lease and also in the application above referred to.

It appears from this application that at the time the same was filed in the office of the Superintendent of Public Works the amount of rentals due and unpaid under this lease was the sum of \$72.00, and that the current annual rental under the lease was and is the sum of \$48.00. The reason assigned in the application for the reductions therein requested is that the lessee subleased this land and the buildings thereon to another and