

for a reduction in the annual rental provided for in a lease executed to their mother, Anna Stoker, under date of April 29, 1929, and which, covering a term of fifteen years, expires April 28, 1944.

The annual rental provided for in this lease is the sum of \$60.00 and the reason assigned by the applicants for a reduction in this annual rental is the fact that during the last few years there has been a substantial diminution in the small income originally derived from the building which was owned by Anna Stoker on this land which is a part of Miami and Erie Canal lands in the City of St. Marys, Auglaize County, Ohio.

Acting upon this application, you have made an order reducing the current rental on this property for the period from May 1, 1934, to May 1, 1935, from \$60.00 to \$42.00.

Assuming that you have made an investigation of the facts relating to this matter and to the merits of the application, I am unable to say as a matter of law that this reduction is not justified. In view of this fact and the fact that the proceedings relating to this transaction have been substantially in conformity with the provisions of House Bill No. 467 (115 O. L. 512), your finding and report in this matter is hereby approved, as is evidenced by my approval endorsed upon the resolution which is made a part of the proceedings relating to this matter, and upon the several copies thereof, all of which are herewith returned.

Respectfully,

JOHN W. BRICKER,

Attorney General.

2686.

APPROVAL—PROCEEDINGS RELATING TO THE CANCELLATION OF
A LEASE TO A PARCEL OF MIAMI AND ERIE CANAL LANDS IN
DEFIANCE, OHIO.

COLUMBUS, OHIO, May 18, 1934.

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

DEAR SIR:—You have presented to me for my examination and approval the proceedings had by you upon the application of one Mae L. Johnson of Defiance, Ohio, for the cancellation of a lease executed to her under date of June 20, 1927, on a certain parcel of Miami and Erie Canal lands in the City of Defiance, Ohio, which lease is listed in the records of your office as No. M&E 285.

The application for the cancellation of this lease is made under the authority of sections 6 and 7 of House Bill No. 467 (115 O. L. 512), and is for the stated reason that the lessee has never used this leased land for any purpose, and she desires to eliminate the expense of such lease. It appears that there are delinquent rentals due on this lease in the sum of nine dollars covering the period of time from November 1, 1932, to May 1, 1934, and acting upon the application, you have made an order canceling this lease as of May 1, 1934, upon the condition that the lessee pays to the state the sum of nine dollars, the amount of the unpaid rentals on the lease above noted. It may be doubted whether the stated reason assigned by the lessee for the cancellation of this lease is as a matter of law suffi-

cient justification for such action upon your part, inasmuch as there is nothing in the application to show that there has been any change in the situation with respect to this leased property or in the lessee's use of the same. As to this, however, I assume your investigation of the facts relating to this matter has convinced you that a cancellation of this lease is justified under the provisions of section 6 of said act which provides that if at any time the lessee of canal lands can no longer economically use the lands, such lessee may file an application for the cancellation of his lease. In this view and finding that your proceedings are otherwise substantially regular, your finding and report in this matter is hereby approved by me as to legality and form, as is evidenced by my approval endorsed in and upon the resolution which is attached to your finding and report as a part of the proceedings relating to this transaction. You will find enclosed herewith the files submitted to me.

Respectfully,
JOHN W. BRICKER,
Attorney General.

2687.

APPROVAL—PROCEEDINGS RELATING TO APPLICATION MADE BY
THE WHITE MOUNTAIN CREAMERY COMPANY OF NEW BRE-
MEN, OHIO, FOR CANCELLATION OF A CERTAIN MIAMI AND
ERIE CANAL LAND LEASE.

COLUMBUS, OHIO, May 18, 1934.

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

DEAR SIR:—You have submitted for my examination and approval your finding and report upon an application made by the White Mountain Creamery Company of New Bremen, Ohio, for cancellation of a certain Miami and Erie Canal land lease (M&E 116), executed to said company under date of June 29, 1922, for a term of 15 years under an annual rental of \$30.00 therein provided for.

In this application, which is filed with you under the authority of House Bill No. 467, 115 O. L. 512, the cancellation of this lease is requested for the stated reason that said company is no longer operating a plant at this location and cannot any longer use this land to an advantage.

Although the reasons actuating this company in requesting the cancellation of this lease are not as fully stated in the application as might be desired, it is probable that, your investigation of the facts pertaining to this lease, and the present situation of said company with respect to its inability to use this land in the manner contemplated at the time of the execution of the lease, shows sufficient reasons for cancelling the lease under Sections 6 and 7 of the Act of the Legislature above referred to. However this might be, it appears, acting upon this application, you have made an order cancelling this lease as of May 1, 1934; and I am unable to say, as a matter of law, upon the facts appearing in the application and finding, that your action in this matter was not justified.

Inasmuch, therefore, as the proceedings relating to this matter have been