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DISAPPROVAL, LEASE TO FOX ISLAND, IN LOGAN COUNTY, OHIO, TO ORCHARD ISLANDS, INC.

COLUMBUS, OHIO, April 23, 1929.

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

DEAR SIR:—You have submitted for my examination and approval a certain lease in triplicate executed by the State of Ohio, through you as Superintendent of Public Works, by which there is leased and demised to Orchard Islands, Inc., of Orchard Island, Inland Lake, Ohio, a certain state reservoir property in the north half of Section 36, Township 6, South, Range 8, East, Logan County, Ohio, commonly known as Fox Island.

An examination of the corporation files in the office of the Secretary of State discloses that on November 15, 1928, the Secretary of State, pursuant to the duty imposed upon him by the provisions of Section 5509, General Code, canceled the articles of incorporation of Orchard Islands, Inc., by reason of the failure of said corporation to file the reports and to pay the franchise taxes required by law. Under the decisions of the Supreme Court and of other courts in this state, it is, perhaps, not entirely clear how far the contractual rights of this corporation have been limited by reason of the cancellation of its articles by the Secretary of State. However this may be, I do not feel that I am warranted in approving a lease to a corporation which is in default for the payment of its franchise taxes, and against which corporation I may be required to institute quo warranto proceedings under Section 5513, General Code.

There are some provisions in this lease that I do not think are authorized by any of the statutory provisions relating to leases of this kind. However, I am basing my disapproval of this lease solely on the ground first above stated herein, that said corporation is in default with respect to its duties to the State of Ohio, and that in this situation, it has no right to apply for or receive a lease for State property.

I am accordingly herewith returning said lease and the duplicate and triplicate copies thereof, without my approval.

Respectfully,

GILBERT BETTMAN,
Attorney General.

343.

BOARD OF EDUCATION—NOT REQUIRED TO MAINTAIN HIGH SCHOOL BUT MUST PAY TUITION OF PUPILS WITHIN DISTRICT—MAY CONTRACT FOR SCHOOLING WITH OTHER BOARDS.

SYLLABUS:

1. *A board of education in a city, village, exempted village or rural school district is not required by law to maintain a high school within the district, but if no such high school is maintained, the tuition of pupils residing in the district who are eligible for admission to high school must be paid by the board of education of the school district.*

2. *A board of education of any school district not having a high school may enter*