

said abandoned canal lands, and after the expiration of said period, leases and sales of said abandoned canal lands may be made in accordance with the provisions of this act."

Upon making inquiry of your department in regard to this matter, I am advised that the notice of sale with respect to the Ohio Canal lands abandoned for canal and hydraulic purposes by the acts above referred to, was given in the manner required by section 14203-23, General Code.

In this view and finding as I do that the sale of this property and the transcript of your proceedings relating to such sale are otherwise in compliance with the law, I am approving this sale and your proceedings relating to the same as is evidenced by my approval endorsed upon the transcript and upon the duplicate copy thereof, both of which are herewith returned.

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*

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533.

SALE—STATE TO ANDREW S. MITCHELL, DESIGNATED PORTION, OHIO CANAL LAND, NEWARK TOWNSHIP, LICKING COUNTY, OHIO.

COLUMBUS, OHIO, May 2, 1939.

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

DEAR SIR: This is to acknowledge receipt of your recent communication with which you submit for my examination and approval a transcript in duplicate of your proceedings relating to the sale of a certain parcel of abandoned Ohio Canal land to one Andrew S. Mitchell of Newark, Ohio, in and for a consideration of \$130.00 to be paid by said Andrew S. Mitchell for such land.

The parcel of land here in question, which, together with other Ohio Canal lands in this section, was abandoned for canal and hydraulic purposes by certain acts of the General Assembly which have been carried into the General Code as sections 14203-20 to 14203-25, is located in Newark Township, Licking County, Ohio, and is more particularly described as follows:

Being a part of the abandoned Ohio Canal property, located in Newark Township, Licking County, Ohio, and described as follows:

Beginning at a point in the easterly line of said canal property, where the same is intersected by the line that separates lands that belong to Andrew S. Mitchell from lands owned or formerly owned by Edward Steward, same being opposite to Station 225 + 8, of W. H. Heiby's Survey of said canal property, thence northerly along said line produced that separates the lands belonging to Andrew S. Mitchell from lands owned or formerly owned by Edward Steward, ninety-four (94') feet, more or less, to a point, same being the intersection of the above mentioned line and the easterly line right of way line of State Highway No. 359 (being State Route No. 79) as relocated and constructed in 1932, said point of intersection being at right angles to and at or near station 225 + 30, of said survey; thence northeasterly along said right of way line, eight hundred and twenty-eight (828') feet, more or less, to a point, same being at right angles to Station 216 + 92, of said survey; thence easterly at right angles to the aforementioned line, sixty (60') feet, more or less, to a point in the easterly line of said canal property, same being opposite to Station 216 + 92, of said survey; thence southwesterly along the easterly line of said canal property eight hundred ninety-four (894') feet, more or less, to the point of beginning and containing one and twenty-six hundredths (1.26) acres, more or less.

The parcel of Ohio Canal land here under consideration is being sold by you under the general authority conferred upon you with respect to the sale of canal lands by section 13971, General Code, and by the more special provisions of section 14023-20, et seq., General Code, above referred to. Upon examination of the transcript of your proceedings relating to the sale of this land, I find that the same contains a finding of all of the jurisdictional facts necessary to the exercise of your authority to sell this land except the finding therein with respect to the notice of sale provided for in the second paragraph of section 14203-23, General Code, which provides:

"Before proceeding to sell or lease any of said abandoned Ohio Canal lands, except to the owners of existing leases, the superintendent of public works shall give at least thirty days notice by publication in two newspapers of opposite politics and of general circulation in the county where said lands are located, that he will on and after the date of publication and for ninety days thereafter receive applications for the purchase or lease of said abandoned canal lands, and after the expiration of said period, leases and sales of said abandoned canal lands may be made in accordance with the provisions of this act."

Upon making inquiry of your department in regard to this matter, I am advised that the notice of sale with respect to the Ohio Canal lands abandoned for canal and hydraulic purposes by the acts above referred to, was given in the manner required by section 14023-23, General Code.

In this view and finding as I do that the sale of this property and the transcript of your proceedings relating to such sale are otherwise in compliance with the law, I am approving this sale and your proceedings relating to the same as is evidenced by my approval endorsed upon the transcript and upon the duplicate copy thereof, both of which are herewith returned.

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*

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534.

COMMON PLEAS COURT—WHERE DECISION IN CONFLICT WITH OPINION OF ATTORNEY GENERAL—COURT DECISION PREVAILS IN PARTICULAR COUNTY WHERE SAID COURT HAS JURISDICTION — ADMINISTRATIVE OFFICER OF ONE COUNTY NOT BOUND BY DECISION OF COMMON PLEAS COURT OF ANOTHER COUNTY—MAY ABIDE BY RULING OF BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES, BASED UPON OPINION OF ATTORNEY GENERAL—CONFLICT.

*SYLLABUS:*

1. *When a decision of the Common Pleas Court is in conflict with an opinion of the Attorney General, said decision prevails in the particular county over which said court has jurisdiction.*

2. *In such case, an administrative officer of one county is not bound by the decision of the Common Pleas Court of another county and may abide by a ruling of the Bureau of Inspection and Supervision of Public Offices, based upon an opinion of the Attorney General which is in conflict with said Common Pleas Court decision.*

COLUMBUS, OHIO, May 2, 1939.

HON. CHARLES D. DILATUSH, *Prosecuting Attorney, Lebanon, Ohio.*

DEAR SIRS This will acknowledge receipt of your request for my opinion, which reads as follows:

“Opinion of the Attorney General No. 2874, rendered June 29, 1934, presents a construction of Section 3019, General Code.

I am enclosing herewith a copy of the decision in the case