

therefore cannot be regarded as merely directory, but must be substantially complied with.

In your communication you refer to the provisions of Section 7632, General Code. You will observe that this section does not deal with the levying of a special tax in excess of the limitations imposed by law.

I further wish to make this observation: that no doubt the agreement for library service made by and between the Huron School District Public Library Trustees and the Board of Huron Township Trustees was in conformance with the provisions of Section 7632, General Code; and that, therefore the illegality of the special levy for library purposes does not in any way relieve the Board of Huron Township Trustees from paying any and all money due from them to the Huron School District Public Library Trustees, by virtue of the existing contract.

It therefore is my opinion: that, there was not a compliance with the provisions of Sections 5625-15 and 5625-16, General Code, in the submission of the special levy for library purposes to the vote of the electors of the Village of Huron at the November election of 1935, and that, said special levy of one mill for library purposes, is illegal.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

---

693.

APPROVAL—TRANSCRIPT OF PROCEEDINGS RELATING TO  
SALE OF TWO SMALL ISLANDS IN THE MAUMEE RIVER  
TO THE WOOD COUNTY PARK COMMISSION, BOWLING  
GREEN, OHIO.

COLUMBUS, OHIO, June 3, 1937.

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

DEAR SIR: Some time ago you submitted for my examination and approval a transcript of your proceedings relating to the sale to the Wood County Park Commission of Bowling Green, Ohio, of two small islands in the Maumee River which are referred to in your later correspondence directed to this office, as a part of lands granted to the State of Ohio either directly by an act of Congress or by joint resolution of the General Assembly of the State of Indiana, to aid in the construction of

the Wabash and Erie Canal within the State of Ohio. These islands are more particularly described as follows:

Being two small swamp or overflow islands designated as Islands Nos. 8 and 9 of islands in the Maumee River, within the County of Wood and State of Ohio, as described in the certified list of lands approved by the Commissioner of General Land Office of the United States to the State of Ohio under date of February 1, 1834, both lying west of Section 25, Town 6 North, Range 9 East, Wood County, Ohio.

Since the receipt of your original communication submitting this transcript for my approval, I have received a later communication from you discussing the question whether the islands here in question were acquired by the State of Ohio as swamp lands which may be sold by the State under the authority of Section 13917, General Code, and in the manner provided by this section or whether these lands were acquired as above indicated to aid the State in the construction of the Wabash and Erie Canal in this State, which canal, as to the part thereof located in the State of Ohio, is now a part of the Miami and Erie Canal system.

If, as I have concluded the fact to be from your correspondence, the lands here in question are a part of the lands acquired by the State of Ohio to aid it in the construction of what was then known as the Wabash and Erie Canal, no special statutory authority is now found for the sale of such lands by the State; and we must look to more general statutory provisions for your authority in the premises.

By Section 154-40, General Code, the Superintendent of Public Works as Director of said department is authorized to exercise general custodial care of all real property of the State; and by this section he is further authorized to lease unproductive and unused lands or other property under the control of the state government, or any department, office or institution thereof, excepting school and ministerial lands. Section 13971, General Code, read in connection with and in the light of Section 464, General Code, transferring to the Superintendent of Public Works the power and authority formerly conferred upon the State Canal Commission, now confers general authority upon the Superintendent of Public Works to sell lands belonging to the State of Ohio subject to certain conditions and restrictions therein contained. This section provides that any land or lands belonging to the State of Ohio, "near or remote from the line of any canal in this state," that cannot be leased so as to yield six per cent on the valuation thereof as determined by the Superintendent of Public Works, may be sold by him at not less than three-fourths of such valuation at public vendue at the court house in the

county where the property is located, after at least thirty days notice given by publication in two papers of opposite politics of general circulation in such county. This section, so read, further provides that the Superintendent of Public Works, together with the Governor and the Attorney General of the State, shall have power to sell any such land or lands which are appraised at five hundred dollars or less at private sale, at a price not less than the appraised value thereof.

Looking to the transcript of your proceedings relating to the sale of the property here in question, I note that you have appraised the same at the sum of \$345.00 and that you have made a finding in your transcript that the property is not now under lease and cannot be leased so as to produce an income yield of six per cent upon the appraised value of the property. In this situation, I am of the opinion that you are authorized to sell this property at private sale, subject to the approval of the Governor and the Attorney General, and inasmuch as your proceedings relating to the sale of this property seem to be in all respects regular, such sale is hereby approved by me as is evidenced by my approval endorsed upon the transcript and upon the duplicate copy thereof, both of which are herewith returned to you.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

---

694.

APPROVAL—CERTIFICATION OF AMENDMENT TO THE  
ARTICLES OF INCORPORATION OF THE BUCKEYE  
UNION CASUALTY COMPANY.

COLUMBUS, OHIO, June 3, 1937.

HON. WILLIAM J. KENNEDY, *Secretary of State, Columbus, Ohio.*

GENTLEMEN:

I have examined the certificate of amendment to the articles of incorporation of The Buckeye Union Casualty Company which you have submitted for my approval.

Finding the same not to be inconsistent with the Constitution or laws of the United States or of the State of Ohio, I have endorsed my approval thereon and return the same herewith to you.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*