

board. It amounts to his removal from the board and creates a vacancy in the membership of the board.

As you state, Conneaut City is not a part of the Ashtabula County School District, and therefore the member of the board of education of the Ashtabula County School District who removed to Conneaut City is no longer eligible to membership on the said county board of education. A vacancy is created in the membership of said board by reason of the removal from the county school district of one of its members, and the said vacancy should be filled according to law as provided by Section 4748, General Code, and if not so filled within the proper time, it should be filled by the Probate Court as provided by Section 7610-1, General Code.

Respectfully,

JOHN W. BRICKER,

Attorney General.

3306.

APPROVAL—TRANSCRIPT OF PROCEEDINGS RELATING TO THE PROPOSED SALE TO ORRIS C. McCLELLAND OF NEWARK, OHIO, OF A PORTION OF THE ABANDONED OHIO CANAL PROPERTY, IN LICKING COUNTY, OHIO.

COLUMBUS, OHIO, October 15, 1934.

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

DEAR SIR:—This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a transcript in duplicate of your proceedings relating to the proposed sale to one Orris C. McClelland of Newark, Ohio, of a portion of the abandoned Ohio Canal property, including the full width of the bed and embankments thereof, located in Madison Township, Licking County, Ohio, and described as follows:

Beginning at a line drawn through station 2059+45.4 of Bruce Doughton's survey of said canal property, and being the westerly line of a tract of said canal land sold to Kenneth W. and Edna M. Moore by the state of Ohio, under date of May 16, 1929, and running thence westerly with the lines of said canal property, eleven hundred ninety-one (1,191') feet, more or less, as measured along the transit line of the said Doughton survey, to the easterly line of what is commonly known as the "River Ford Road" and containing two and fifty-hundredths (2.50) acres, more or less, as shown by plat No. 127 of the said Doughton Survey, excepting therefrom any portion of said property that may be occupied by a public highway.

From the location of the parcel of abandoned Ohio Canal land here in question, as indicated by your description thereof in the transcript submitted to me, I infer that this parcel of land is included in that portion of the Ohio Canal which was abandoned for canal purposes by an act of the 79th General Assembly passed May 31, 1911 (102 O. L., 293), the provisions of which have been carried

into the General Code as sections 14203-12 to 14203-19, inclusive. Section 3 of this act (sec. 14203-14, G. C.) provides for the lease and sale of the Ohio Canal lands abandoned for canal purposes by this act and further provides that such lease or sale shall be in strict conformity with the various provisions of the statutes of Ohio relating to the leasing and selling of state canal lands. Such reference with respect to the sale of Ohio Canal lands abandoned by the act is to the earlier statutory provisions found in section 13971, General Code. By this section canal lands of the State which cannot be leased so as to yield six percent on the valuation thereof, may be sold by the Superintendent of Public Works; and if the appraised valuation of such property is five hundred dollars or less, the same may be sold at private sale without advertisement in the manner otherwise provided for in said section.

From the transcript submitted, it appears that the parcel of Ohio Canal land above described has been appraised at the sum of five hundred dollars; and it further appears from a finding made by you and carried into said transcript, that this property cannot be leased so as to yield an annual rental of six percent upon the appraised value of the property. I am of the opinion, therefore, that the transcript submitted shows everything necessary under the law to authorize you in your official capacity as Superintendent of Public Works to sell this property. I am accordingly approving as to legality and form your proceedings relating to the sale of this property and the sale thereof, as is evidenced by my approval endorsed upon the transcript and upon the duplicate copy thereof, which you will find herewith enclosed.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

3307.

DISAPPROVAL—BONDS OF MILTON RURAL SCHOOL DISTRICT,
 MAHONING COUNTY, OHIO, \$4,160.96.

COLUMBUS, OHIO, October 15, 1934.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

GENTLEMEN:—Re: Bonds of Milton Rural School District, Mahoning County, Ohio, \$4,160.96.

I have examined the transcript of the proceedings relating to the above bond issue. It appears that this district issued bonds under the provisions of Amended Sub. Senate Bill No. 175 in the sum of \$11,779.79. The valuation of the taxable property of said district is shown by the tax duplicate as \$1,462,085.00. The issue under Amended Sub. Senate Bill No. 175 is therefore over \$10,000.00 in excess of the debt limitation provided by section 2293-15, General Code. Section 4 of House Bill No. 11 of the third special session of said General Assembly provides for the issuance of bonds in the total sum of the net floating indebtedness as certified by the Auditor of State less the amount of bonds which may have been issued under the provisions of any act theretofore passed by said 90th General Assembly, which bonds are already in excess of the debt limitations which may be incurred. As the amount of the net floating indebtedness of this district as certified by the Auditor of State is less than the amount of