

tuition which had been paid for pupils who resided in district "C", under the mistaken apprehension that they resided in district "B".

2. Inasmuch as no notice as provided by law, had been given to district "C" of the attendance of its resident high school pupils in the schools maintained by district "A", no recovery can be had by district "A" from district "C" for high school tuition for such pupils. District "C" may, however, legally pay such tuition but can not be compelled to do so.

Respectfully,

JOHN W. BRICKER,
Attorney General.

2912.

APPROVAL—CANAL LAND LEASE OF ABANDONED OHIO CANAL LAND IN CHILLICOTHE, ROSS COUNTY, FOR THE RIGHT TO USE AND OCCUPY FOR BUSINESS BUILDING, RESIDENCE AND OTHER LEGITIMATE PURPOSES—OIL AND BATTERY COMPANY OF CHILLICOTHE, OHIO.

COLUMBUS, OHIO, July 12, 1931.

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

DEAR SIR:—This is to acknowledge the receipt of your recent communication submitting for my examination and approval a canal land lease in triplicate, executed by you, as Superintendent of Public Works on behalf of the State of Ohio, to the Oil and Battery Service Company of Chillicothe, Ohio.

By this lease, which is one for a stated term of 15 years and which provides for an annual rental of \$900.00, payable in semi-annual installments of \$450.00 each, there is leased and demised to the lessee, above named, the right to occupy and use for business building, residence and other legitimate purposes, that portion of the abandoned Ohio canal lands, located in the city of Chillicothe, Ross County, Ohio, and which is more particularly described in said lease as follows:

Tract No. 1.

Beginning at the point of intersection of the easterly line of said canal property and the southerly line of that portion of Water Street in said city that lies east of Mulberry Street, and running thence southerly with the said easterly line of said canal property four hundred fourteen (414') feet, more or less, to the northerly line of Second Street in said city; thence westerly with the northerly line of Second Street seventy-two (72') feet, more or less, to the westerly line of said canal property; thence northerly with the said westerly line three hundred forty-one and two-tenths (341.2') feet, more or less, to a point that is fifty-seven (57') feet westerly from Station 62 plus 41.2, as measured at right angles to the transit line of the W. O. Sanzenbacher survey of said canal property; thence northwesterly thirty-eight (38') feet, more or less, to the easterly line of Mulberry Street; thence sixty-eight (68') feet, more or less, to the southerly line of Water Street; thence easterly with the southerly line of Water Street one hundred two (102') feet,

more or less, to the place of beginning and containing thirty thousand eight hundred thirty (30,830) square feet, more or less.

Tract No. 2.

Being all of said abandoned Ohio Canal lands extending southerly from the southerly line of Second Street to the southerly line of the alley between Second and Main Streets in said city, except that portion of said canal lands sold to John M. Vanmeter and Helen F. Stone, in 1924, and containing thirteen thousand, three hundred forty-five (13,345) square feet, more or less.

Upon examination of this lease I find that the same has been properly executed by you as Superintendent of Public Works and as Director of said department and by the Oil and Battery Service Company, the lessee therein named, by the hands of its president and secretary, pursuant to the authority, conferred upon such officers by a resolution of the Board of Directors of this company, adopted under date of March 22, 1933.

Upon examination of the provisions of this lease and of the conditions and restrictions therein contained, I find that the same are in conformity with the Act of the 79th General Assembly, enacted June 7, 1911, 102 O. L. 293, which Act provides for the abandonment for canal purposes, of that part of the Ohio canal extending from Buckeye Lake to Portsmouth, Ohio, and for the sale or lease of the canal lands so abandoned. The provisions of this lease are likewise in conformity with Sections 13, 965 et seq. General Code relating generally to the lease of canal lands in the state.

For the reasons above noted, I am approving this lease as to legality and form, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies of the same, all of which I herewith enclose.

Respectfully,

JOHN W. BRICKER,
Attorney General.

2913.

APPROVAL—CANAL LAND LEASE OF ABANDONED OHIO CANAL LANDS IN CHILLICOTHE, ROSS COUNTY, OHIO, FOR THE RIGHT TO USE AND OCCUPY FOR BUSINESS BUILDING, RESIDENCE AND OTHER LEGITIMATE PURPOSES—THE SEARS AND NICHOLS CORPORATION OF INDIANAPOLIS, INDIANA.

COLUMBUS, OHIO, July 12, 1934.

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

DEAR SIR:—You have submitted for my examination and approval a canal land lease in triplicate, executed by the State of Ohio, through you, as Superintendent of Public Works, and as Director of said department, to The Sears & Nichols Corporation of Indianapolis, Indiana.

By this lease, which is one for a term of 15 years, and which provides for an annual rental of \$600.00, payable in semi-annual installments, there is leased and demised to the lessee above named, the right to occupy and use for business