

from seventy-five dollars to thirty-seven dollars and fifty cents. It further appears from your finding that you have made a reduction in the amount of the current rental for the year from May 1, 1934, to May 1, 1935, from the sum of one hundred and fifty dollars, the amount provided for in the lease, to the sum of fifty dollars.

The application filed by the lessee for the reduction of the rentals here in question, as well as the findings made by you, are under the authority of House Bill No. 467, enacted by the 90th General Assembly under date of June 30, 1933, 115 O. L. 512. This application, as well as your proceedings thereunder, appears to be substantially in the form required by the provisions of this act. I am accordingly approving these proceedings as to legality and form, as is evidenced by my approval endorsed upon the resolution which is made a part of the proceedings relating to the reduction of the rentals here in question, and upon the copies thereof, all of which are herewith returned.

Respectfully,
JOHN W. BRICKER,
Attorney General.

2826.

APPROVAL—TWO TRANSCRIPTS OF PROCEEDINGS RELATING TO THE PROPOSED SALE OF TWO PARCELS OF ABANDONED HOCKING CANAL LANDS IN FALLS TOWNSHIP, HOCKING COUNTY, OHIO—CHESAPEAKE AND OHIO RAILWAY COMPANY.

COLUMBUS, OHIO, June 18, 1934.

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

DEAR SIR:—You have submitted for my examination and approval two certain transcripts in duplicate of your proceedings relating to the proposed sale by you as Superintendent of Public Works of Ohio of two parcels of abandoned Hocking Canal lands in Falls Township, Hocking County, Ohio, to The Chesapeake and Ohio Railway Company. The parcels of land here in question have an acreage of 5.22 acres and 4.22 acres, respectively, with an appraised value as to the first parcel of \$500.00 and as to the other the sum of \$446.00. The proposed sale of these parcels of land to the purchaser above named is to be made at the appraised value thereof. The sale of the property here in question is authorized by House Bill No. 417 enacted by the 88th General Assembly under date of April 19, 1929, 113 O. L. 521. This act provides generally for the lease or sale of abandoned Hocking Canal lands now owned by the State of Ohio in Fairfield, Hocking and Athens Counties; and the sections of this act, which have been carried into the General Code as sections 14152-3, et seq., provide for the sale of such canal lands in conformity with the provisions of sections 13965, et seq., General Code, which provide generally for the lease and sale of canal lands.

Among the findings made by you as a part of your proceedings relating to the sale of this property is one to the effect that these parcels of land are not needed for state highway purposes. This finding satisfies the requirements of section 14152-3, General Code, with respect to your authority to sell this property;

and inasmuch as you make the further findings, satisfying the requirements of sections 13965, et seq., General Code, that these parcels of land cannot be leased for an annual rental of six per cent upon the appraised value of the property, I have no difficulty in finding that you are authorized to sell this property under the statutory provisions above referred to. And since, in this connection, it further appears that neither of these parcels of land has been appraised at more than the sum of five hundred dollars, I likewise find that you are authorized to sell this property at private sale. I am therefore approving your proceedings relating to the sale of these parcels of abandoned canal lands and the transcripts submitted to me with respect to such proceedings as to the legality and form thereof, which approval is endorsed upon said transcripts and upon the duplicate copies thereof.

Appended to the several transcripts of your proceedings relating to the sale of these properties are deed forms of the deeds to be executed by the Governor conveying the property to The Chesapeake and Ohio Railway Company. Upon examination of the deed forms submitted and of the provisions and conditions therein contained, I find the same in all respects to be correct. In examining these deed forms, I have not, however, checked the descriptions of the properties in said several deeds as I assume that this is a matter that has been done with due care by your department.

I am accordingly approving said deed forms, and the same, together with the transcripts of your proceedings in these matters, are herewith enclosed.

Respectfully,

JOHN W. BRICKER,

Attorney General.

2827.

VILLAGE—COUNCILMEN MAY NOT BE COMPENSATED IN EXCESS
OF PROVISIONS OF SECTION 4219, GENERAL CODE.

SYLLABUS:

Villages have no authority to compensate their council at a rate in excess of the amount set forth in Section 4219, General Code.

COLUMBUS, OHIO, June 18, 1934.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—I am in receipt of your communication which reads as follows:

“We are inclosing a letter written by William K. Divers, Solicitor of the village of Addyston, to one of our examiners, Mr. R. D. Lemon, who in turn referred it to this office. Our reply, as of September 29th, reads as follows:

‘Relative to the compensation of councilmen in villages, we are forced to take an opposite view from that of the Solicitor of Addyston. Article XVIII, Section 1 of the Constitution of Ohio, definitely classifies municipi-