

mail return receipt of such defendant shall be attached to and made a part of the return of service of such process."

Section 6308-3, General Code, with reference to the fee to be paid to the Secretary of State, provides:

"The officer serving such process upon the secretary of state shall pay to said secretary at the time of service a fee of two dollars (\$2) which fee shall be taxed as costs in the case. The secretary of state shall keep a record of such process and the day and hour of the service thereof upon him."

These sections are in *pari materia* and it should be noted that by virtue of Section 6308-2, General Code, quoted *supra*, the officer to whom the process is directed or the sheriff of Franklin County if he is deputized by such officer so to do, serves a copy of the process on the Secretary of State as agent for the non-residents. The sheriff of Franklin County, if he is so deputized by the officer to whom the process is directed in a particular county, or the officer if he does not choose to deputize the Franklin County sheriff, sends to the defendant by "registered mail, postage prepaid, a like true and attested copy thereof, with an endorsement thereon of the service upon said secretary of state", and such duty of sending such process is not placed upon the Secretary of State.

By virtue of Section 6308-3, General Code, quoted *supra*, the only duty of the Secretary of State is accepting the service as agent of the non-residents, and to "keep a record of such process and the day and hour of the service thereof upon him." For such clerical duties, the General Assembly has set the arbitrary sum of two dollars as the fee chargeable by the Secretary of State and it is my opinion that by virtue of Section 6308-3, General Code, *supra*, where the process has to do with only one action, even though there may be more than one defendant to be so served, the maximum required to be paid to the Secretary of State is the fee of two dollars.

Respectfully,  
JOHN W. BRICKER,  
*Attorney General.*

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2736.

APPROVAL, SUPPLEMENTAL RESOLUTION FOR ROAD IMPROVEMENT IN LORAIN COUNTY, OHIO.

COLUMBUS, OHIO, May 24, 1934.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your letter of May 22, 1934, submitting for my approval supplemental resolution covering extra work on Section "Elyria", S. H. 313, Lorain County, Ohio.

I have carefully examined said resolution and find same correct in form and legal. I am therefore returning the same to you with my approval endorsed thereon.

Respectfully,  
 JOHN W. BRICKER,  
*Attorney General.*

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2737.

APPROVAL, PROCEEDINGS RELATING TO APPLICATION OF THE  
 COMMERCIAL PRINTING AND LITHOGRAPHING COMPANY OF  
 AKRON, OHIO, FOR CANCELLATION OF LEASE OF OHIO AND  
 ERIE CANAL LANDS IN THE CITY OF AKRON, OHIO.

COLUMBUS, OHIO, May 24, 1934.

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

DEAR SIR:—You have submitted for my examination and approval, your finding on the application of the Commercial Printing and Lithographing Company of Akron, Ohio, for the cancellation of a certain lease which was executed to said company by the Superintendent of Public Works under date of August 30, 1929, which lease is known and identified in the files of your office as O. & E. Canal Land Lease No. 628. By the lease here in question there was leased and demised to said company, for building purposes, a parcel of 13,455 square feet of Ohio and Erie Canal lands in the City of Akron, Ohio, at an annual rental provided for in said lease of \$1,310.00.

It appears from the application filed by the Commercial Printing and Lithographing Company as well as from your finding that at the time this application was filed there were no unpaid rentals upon this lease, and that the sole purpose of the application was to secure the cancellation of this lease under the authority conferred upon you by House Bill No. 467 (115 O. L., 512). The reason assigned by this company in its application for the cancellation of this lease is that it will never need this property for building purposes, and that the losses of the company have been so heavy in recent years that it will be burdensome to carry the lease.

Touching this question, it is provided in and by Section 6 of the Act of the 90th General Assembly above referred to, that if, at any time, any lessee of the State of Ohio can no longer economically use canal lands leased to him by the State of Ohio, such lessee may file with the Superintendent of Public Works, at least sixty days prior to any rental payment date, a sworn statement of facts pertaining to such lease, setting forth the reasons why such lease can not be used any longer by him, and requesting the cancellation of such lease. It is further provided by Section 7 of said Act that the Superintendent of Public Works, upon investigation of the facts pertaining to such lease, and being satisfied that the recommendations made in the application are true, and, further, that all accrued rentals upon the lease have been paid, may, with the approval and concurrence of the Governor and the Attorney General, cancel such lease, which