

of said abandoned canal lands and for the sale or the lease of the same, subject to the approval of the Governor and Attorney General, in conformity with the provisions of section 13971, General Code, relating generally to the sale of canal lands. This section of the General Code provides for the sale of canal lands when the same cannot be leased so as to yield six per cent upon the appraised valuation thereof; which sale is to be made at public vendue after advertisement thereof in the manner therein provided. It is further provided in this section, however, that if the appraised value of the parcel of land to be sold is five hundred dollars or less, the same may be sold at private sale at not less than the appraised value thereof, on the approval of the Governor and Attorney General.

It appears from recitals set out in the transcript of your proceedings relating to the sale of this property that this parcel of land cannot be leased so as to yield six per cent upon the appraised value thereof, which appraised value as stated in the transcript is the sum of \$290.00. It appears, therefore, that as far as the provisions of section 13971, General Code, are concerned this parcel of land may properly be sold by you upon the approval of the Governor and the Attorney General. However, section 14203-23, General Code, which, as above noted, is a later enactment, provides that before the Superintendent of Public Works can sell any of the Ohio Canal lands abandoned by this act, he is required to give notice by publication in the manner therein provided that he will on and after the date of such publication and for ninety days thereafter receive application for the purchase of such canal lands, and that after the expiration of said period, sales (and leases) of such abandoned canal lands may be made in accordance with the provisions of said act. It does not appear from any recitals or other statements of fact made in the transcript here under consideration, that any advertisement of such notice was made preliminary to the application for the purchase of this particular parcel of land. As to this, I am advised by your office, however, that the required notice was in fact published in the manner provided by law, although, as above noted, no recital of this fact appears in the transcript.

On the considerations above noted, I am hereby approving your proceedings relating to the purchase of the parcel of abandoned Ohio Canal lands above described, as is evidenced by my approval endorsed upon the transcript of said proceedings and upon the duplicate copy thereof.

Respectfully,

JOHN W. BRICKER,
Attorney General.

2601.

APPROVAL CONDITIONALLY—TRANSCRIPT OF PROCEEDINGS RELATING TO THE SALE AND CONVEYANCE OF ABANDONED OHIO CANAL LANDS IN NEWARK TOWNSHIP, LICKING COUNTY, OHIO.

COLUMBUS, OHIO, May 1, 1934.

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

DEAR SIR:—You have submitted for my examination and approval a tran-

script of the proceedings of your office relating to the proposed sale and conveyance to L. E. Clark of Newark, Ohio, of a parcel of abandoned Ohio Canal lands located in Newark Township, Licking County, Ohio, which parcel is more particularly described as follows:

Beginning at a point in the easterly line of the lands of the grantee herein that is opposite Station 265+62.5, of W. H. Heiby's survey of said canal property, and being at the northwest corner of a certain tract of said canal lands sold by the State of Ohio to the grantee herein under date of March 12, 1923, and running thence westerly with the northerly line of said tract of land, twenty-two (22') feet, more or less, to the easterly line of State Highway No. 359, (being State Route No. 79) as relocated and constructed in 1932; thence southerly with the easterly line of the said State Highway No. 359, four hundred twenty-nine (429') feet to the southerly line produced of the lands of the grantee herein; thence easterly with the said southerly line eighteen (18') feet, more or less, to the southwest corner of said tract of land as sold to the grantee herein under date of March 12, 1923; thence northerly with the westerly line of said tract four hundred twenty-nine (429') feet to the place of beginning and containing 0.197 acres, more or less.

The proposed sale and conveyance of the above described parcel of Ohio Canal lands is under the authority of an act of the legislature passed March 21, 1917, 107 O. L. 741, which act was amended in part by an act of the legislature under date of May 8, 1919, 108 O. L., Part I, page 608. This act provided for the abandonment of certain portions of the Ohio Canal between Newark and the Village of Hebron, Licking County, Ohio, and for the lease or sale of the canal lands so abandoned; and the act as amended is now found in the General Code as sections 14203-20 to 14203-25, inclusive. Section 14203-23, General Code, the same being a part of the act above referred to, provides for the appraisal of said abandoned canal lands and for the sale or the lease of the same, subject to the approval of the Governor and Attorney General, in conformity with the provisions of section 13971, General Code, relating generally to the sale of canal lands. This section of the General Code provides for the sale of canal lands when the same cannot be leased so as to yield six per cent upon the appraised valuation thereof; which sale is to be made at public vendue after advertisement thereof in the manner therein provided. It is further provided in this section, however, that if the appraised value of the parcel of land to be sold is five hundred dollars or less, the same may be sold at private sale at not less than the appraised value thereof, on the approval of the Governor and Attorney General.

It appears from recitals set out in the transcript of your proceedings relating to the sale of this property that this parcel of land cannot be leased so as to yield six per cent upon the appraised value thereof, which appraised value as stated in the transcript is the sum of forty dollars. It appears, therefore, that as far as the provisions of section 13971, General Code, are concerned this parcel of land may properly be sold by you upon the approval of the Governor and the Attorney General. However, section 14203-23, General Code, which as above noted, is a later enactment, provides that before the Superintendent of Public Works can sell any of the Ohio Canal lands abandoned by this act, he is required to give notice by publication in the manner therein provided that he will on and

after the date of such publication and for ninety days thereafter receive applications for the purchase of such canal lands, and that after the expiration of said period, sales (and leases) of such abandoned canal lands may be made in accordance with the provisions of said act. It does not appear from any recitals or other statements of fact made in the transcript here under consideration, that any advertisement of such notice was made preliminary to the application for the purchase of this particular parcel of land. As to this, I am advised by your office, however, that the required notice was in fact published in the manner provided by law, although, as above noted, no recital of this fact appears in the transcript.

On the considerations above noted, I am hereby approving your proceedings relating to the purchase of the parcel of abandoned Ohio Canal lands above described, as is evidenced by my approval endorsed upon the transcript of said proceedings and upon the duplicate copy thereof.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

2602.

APPROVAL—NOTES OF NEWTONSVILLE VILLAGE SCHOOL DISTRICT, CLERMONT COUNTY, OHIO—\$3,329.00.

COLUMBUS, OHIO, May 2, 1934.

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

2603.

APPROVAL—NOTES OF WASHINGTON TOWNSHIP RURAL SCHOOL DISTRICT, TUSCARAWAS COUNTY, OHIO, \$1,585 00.

COLUMBUS, OHIO, May 2, 1934.

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

2604.

APPROVAL—NOTES OF JEFFERSON TOWNSHIP RURAL SCHOOL DISTRICT, GUERNSEY COUNTY, OHIO, \$1,672.00

COLUMBUS, OHIO, May 2, 1934.

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