

5661.

APPROVAL—APPLICATION FOR CANCELLATION OF LEASE
OF O & E CANAL LANDS AT COSHOCTON, OHIO—
CHARLES HEIMAN.

COLUMBUS, OHIO, June 2, 1936.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus,
Ohio.*

DEAR SIR: You have submitted for my examination and approval a finding made by your predecessor directing the cancellation of a lease of Ohio and Erie Canal lands executed to one Charles Heiman under date of October 25, 1928, by which there was leased and demised to said lessee the right to occupy and use a small parcel of Ohio and Erie Canal lands at or near Coshocton, Ohio, for cottage site and recreation purposes.

It appears from the application filed by the lessee for the cancellation of this lease that since the lease was executed a considerable portion of the land covered by the lease has been appropriated for highway purposes and that the premises are now of no value to the lessee for the purposes for which the lease was taken.

Acting upon this application, you have directed a cancellation of the lease contingent upon the payment of back rental on the lease amounting to the sum of \$9.00. Your finding directing the cancellation of this lease is approved, as is evidenced by my approval endorsed upon the resolution accompanying your finding and upon the copies thereof, all of which, together with the finding and application, are herewith returned.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5662.

APPROVAL—APPLICATION FOR CANCELLATION OF LEASE
TO USE PORTION OF KIRKERSVILLE FEEDER—OHIO
FUEL GAS CO.

COLUMBUS, OHIO, June 2, 1936.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus,
Ohio.*

DEAR SIR: You have submitted for my examination and approval a resolution to be signed by the Governor and Attorney General approving a finding made by your immediate predecessor in office canceling the

lease executed to The Ohio Fuel Gas Company under date of December 21, 1931, leasing and demising to said company the right to use a portion of the Kirkersville Feeder of the Ohio Canal for natural gas pipe line purposes.

The cancellation of this lease was directed by the Superintendent of Public Works upon an application therefor filed by the lessee under the provisions of House Bill No. 467, 115 O. L., 512, which provides, among other things, for the cancellation of leases of canal lands upon application of the lessee setting out the reasons for the requested cancellation of the lease. It appears from the application in this case that the natural gas pipe line that was laid in and upon the lands covered by this lease was removed therefrom August 1, 1934, and that the premises have not since been used for this purpose. Acting upon this application, you have directed the cancellation of the lease and the same is hereby approved by me subject to the payment by the lessee of any delinquent rentals that may stand against the lessee under the terms of the lease.

I am, therefore, approving said resolution, as is evidenced by my approval endorsed thereon and upon the copies thereof, all of which are herewith enclosed.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5663.

SCHOOL FOUNDATION FUND—SCHOOL DISTRICT MAY NOT BE REFUSED SHARE THEREIN FOR REFUSING TO AGREE TO PLAN OF REORGANIZATION—AUTHORITY OF DIRECTOR OF EDUCATION OVER SUCH FUND.

SYLLABUS:

1. *The Director of Education is not, by virtue of the provisions of Section 7595-1e, General Code, empowered to withhold from a school district funds distributable to it from the public school fund as provided by law, simply because the electors residing in the district, or some portion of those electors, refuse or fail to cooperate in the making of transfers of school territory to conform to a plan of organization for the county school district of which it is a part or to which it is contiguous.*

2. *The electors residing in a school district or any part thereof, are not foreclosed from exercising their right of remonstrance with respect to transfers of school territory sought to be made under Section 4692, General Code, or the proposed creation of new school districts under Section 4736, General Code, or from failing or refusing to invoke the*