

herein above discussed were not presented with the original request, I am constrained to overrule in part Opinion No. 3440, issued December 22, 1938, and it is therefore my opinion that an assistant clerk of the Board of County Commissioners may at the same time serve as member of the County Child Welfare Board without violating the Common Law rule as to incompatibility of offices. (Opinion No. 3440 issued December 22, 1938, overruled in part.)

Respectfully,

HERBERT S. DUFFY,
Attorney General.

3525.

APPROVAL, LEASE, CANAL LAND, STATE OF OHIO, THROUGH DIRECTOR OF PUBLIC WORKS, TO J. R. TIMBERMAN, LOCKLAND, OHIO, DESIGNATED LAND, MIAMI AND ERIE CANAL, CITY OF LOCKLAND, HAMILTON COUNTY, OHIO, ANNUAL RENTAL \$100.00, RIGHT TO OCCUPY AND USE FOR GENERAL BUSINESS PURPOSES

COLUMBUS, OHIO, January 7, 1939.

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

DEAR SIR: You have submitted for my examination and approval a canal land lease in triplicate executed by you in your official capacity as Superintendent of Public Works to one J. R. Timberman of Lockland, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$100.00, payable in semi-annual installments of \$50.00 each, there is leased and demised to the lessee above named the right to occupy and use for general business purposes that portion of the abandoned Miami and Erie Canal located in the City of Lockland, Hamilton County, Ohio, described as follows:

Being a strip of land seventy (70') feet, more or less, in width, and beginning at the southerly line of Lock Street in said city, and extending in a southwesterly direction with the lines of said canal property, a distance of twelve hundred seventy-eight (1278') feet to the northerly bank of Mill Creek, same being at or near Station 10900 plus 82, of the Bert Beucler Survey of said canal property, and containing eighty-nine thousand, four hundred sixty (89,460) square feet, more or less.

This parcel of abandoned Miami and Erie Canal land is in that section of the Miami and Erie Canal which was abandoned for canal and hydraulic purposes by the Act of April 21, 1927, 112 O. L., 388; by which act the canal lands in this section, including the parcel here under consideration, were transferred to the jurisdiction and control of the Director of Highways for highway and other purposes. As to this, it appears, however, that the present Director of Highways, acting under the authority conferred upon him by Sections 14153-5, et seq., General Code, as amended, 116 O. L., 157-159, has transferred the above described parcel of canal land back to the jurisdiction and control of the Superintendent of Public Works.

In this situation, it would appear that you are authorized to lease this parcel of canal land under the authority of Section 14153-8, General Code, as amended by the act last above referred to.

And inasmuch as it appears that this lease has been properly executed by you as Superintendent of Public Works for and on behalf of the State of Ohio and by J. R. Timberman, the lessee above named, and since it further appears that the provisions of this lease and the conditions and restrictions therein contained are in conformity with the statutory provisions relating to leases of this kind, I am approving this lease as is evidenced by my approval endorsed thereon and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

3526.

COMPULSORY EDUCATION LAW—ATTENDANCE OFFICER
—BOARD OF EDUCATION—SCHOOL DISTRICT, CITY,
VILLAGE, COUNTY—DUTY TO WORK IN CONJUNCTION
WITH ANY PAROCHIAL SCHOOL IN DISTRICT—POWER
TO DELEGATE DUTIES PERTAINING TO HEALTH MAT-
TERS—PHYSICIAN—NURSE—SEE SECTION 7692 G. C.

SYLLABUS:

It is the duty of an attendance officer employed by a board of education of a city school district, or a village school district, or a county school district, to work in conjunction with any parochial school located in the particular school district wherein such attendance officer is employed, in the performance of his duties relating to the enforcement of the compulsory education laws of the State of Ohio.