

Re.: Bonds of Marion County, in the amount of \$114,650, for the improvement of the Marion-Bucyrus, I. C. H. No. 110, sections A and B, 113 bonds of \$1,000 each, 2 bonds of \$500 each, and 1 bond of \$650.00—5½%.

GENTLEMEN:—I have examined the transcript of the proceedings of the county commissioners and other officers of Marion county, relative to the above bond issue and find the same regular and in conformity with the provisions of the General Code.

I am of the opinion that said bonds, drawn in accordance with the legislation authorizing their issuance, will, upon delivery, constitute valid and binding obligations of said county.

In order to meet the requirements of section 14 of the Griswold Act, 109 O. L., 336, the resolution of the county commissioners authorizing the issuance of the said bonds was amended so that said bonds fall due as follows: \$13,000 on the 1st day of September of each year from 1923 to and including 1927, \$12,500 in each of the years 1928 and 1929, \$12,650 in 1930 and \$12,000 in 1931.

I call attention to this change so that you may correct your record of purchase in conformity therewith.

Respectfully,  
JOHN G. PRICE,  
*Attorney-General.*

3007.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS,  
ALLEN COUNTY.

COLUMBUS, OHIO, April 20, 1922.

*Department of Highways and Public Works, Division of Highways, Columbus, Ohio.*

3008.

APPROVAL, CONTRACT OF STATE OF OHIO WITH THE L. L. LEVEQUE COMPANY, OF COLUMBUS, OHIO, FOR CONSTRUCTION OF GIRLS' DORMITORY, MACK HALL, ON OHIO STATE UNIVERSITY CAMPUS AT A COST OF \$139,700—SURETY BOND EXECUTED BY THE AETNA CASUALTY AND SURETY COMPANY, OF HARTFORD, CONN.

COLUMBUS, OHIO, April 20, 1922.

HON. LEON C. HERRICK, *Director, Department of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted to me for approval a contract (four copies) between the Department of Highways and Public Works of the State of Ohio and The L. L. LeVeque Company, of Columbus, Ohio. This contract is for the con-

struction of a girls' dormitory (Mack Hall) on the Ohio State University campus, and calls for an expenditure of one hundred thirty-nine thousand seven hundred (\$139,700.00) dollars.

Accompanying said contract is a bond to insure faithful performance, executed by The Aetna Casualty and Surety Co., of Hartford, Conn.

I have before me the certificate of the Director of Finance that there is an unencumbered balance legally appropriated sufficient to cover the obligations of this contract.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon, and return same to you herewith, together with all other data submitted to me in this connection.

Respectfully,  
JOHN G. PRICE,  
*Attorney-General.*

3009.

CANAL LANDS—RIGHT TO NAVIGATE ABANDONED SECTION OF SAID CANALS—NO AUTHORITY IN DEPARTMENT OF HIGHWAYS AND PUBLIC WORKS TO ISSUE PERMITS ALLOWING NAVIGATION OF ABANDONED SECTIONS—NO PERMITS NECESSARY OF SECTIONS NOT ABANDONED—WHAT STATUTES CONTROL—HOW FREIGHT RATES AND TOLLS FIXED ON NAVIGABLE CANALS.

1. *By reason of the provision of the act of the General Assembly of January 22, 1920, 108 O. L. (Pt. 2), p. 1138, abandoning a certain section of the Miami and Erie canal for canal and hydraulic purposes, no one is now entitled as a matter of right to navigate the abandoned section, nor has the Department of Highways and Public Works the authority to issue permits allowing the navigation of the abandoned section.*

2. *No permit from the Department of Highways and Public Works is necessary for the navigation of sections of canals not abandoned; but the matter of such navigation is provided for by sections 13997 and 14137 G. C.*

3. *Section 416 G. C. authorizes the fixing by the Department of Highways and Public Works of rates and tolls for freights carried on navigable canals.*

COLUMBUS, OHIO, April 21, 1922.

*Department of Highways and Public Works, Division of Public Works, Columbus, Ohio.*

GENTLEMEN:—You have requested the opinion of this department upon the following:

“The Grand Rapids Supply Company has requested this department to grant them a permit to resume navigation on the Miami and Erie canal for the purpose of transporting freight from the city of Defiance to a point at Lock No. 52 in the city of Toledo. This permit would extend over about nine (9) miles of canal lands from the village of Maumee to said Lock No. 52 in the city of Toledo, which is included in the recent abandonment for both canal and hydraulic purposes in an act of the legislature known as House Bill No. 560.