

of Public Works "shall have charge of the public works of the state, and shall have power to perfect, render useful, maintain, keep in repair and protect the same," held that the Board of Public Works was not authorized to grant to a railroad corporation the right to lay its tracks and to maintain and operate a railroad along the berme bank of one of the canals of the state. This case was decided by the Supreme Court of this state in 1881. Some years later, to wit, March 28, 1888, the legislature passed an act providing that the commission created by the act should make a survey of the canal lands of the state and providing further that with the consent of persons occupying any of such lands claimed by the state, the commission should determine the boundary line between the property of the state and that of such persons occupying or otherwise possessing any part of the state lands. This act, which is found in 85 O. L., 127, further provided for the lease of canal lands for terms not to exceed fifteen years. These statutory provisions, as they have been later amended by statutory enactments, are now found in Section 13964 and 13965, General Code.

It seems quite clear therefore that the fact that Substitute Senate Bill No. 236, as enacted by the 91st General Assembly, provides that all laws providing for the *control and management* of the public works of Ohio by the Superintendent of Public Works are made effective with respect to this act, which relates primarily to the matter of beach and shore erosion along the shores of Lake Erie within the state of Ohio, does not lend any support to the thought that by reason of this reference to the general powers of the Superintendent of Public Works in the control and management of the public works of Ohio, the Superintendent of Public Works is authorized by this act to determine the boundary lines of the subaqueous and marginal lands of Lake Erie or to execute leases of such lands to other persons, corporations or municipalities.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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APPROVAL—BONDS OF CITY OF CLEVELAND, CUYOHOGA  
COUNTY, OHIO, \$41,000.00.

COLUMBUS, OHIO, October 13, 1936.

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