

Inasmuch as these instruments have been properly executed and the provisions thereof are in conformity to the law, the same are herewith approved and returned to you for the purpose above stated.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

3355.

APPROVAL—SALE, STATE OF OHIO, THROUGH DEPARTMENT OF PUBLIC WORKS, TO NORFOLK AND WESTERN RAILWAY COMPANY, PARCELS ABANDONED OHIO CANAL LANDS, ROSS COUNTY, OHIO, \$42,100.00.

COLUMBUS, OHIO, December 9, 1938.

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

DEAR SIR: You have submitted for my examination and approval transcript of your proceedings as Superintendent of Public Works relating to the sale to the Norfolk and Western Railway Company in consideration of the payment by said railroad company of the sum of \$42,100.60, of four certain parcels of abandoned Ohio Canal lands in Ross County, Ohio, which parcels of land aggregating 82.3 acres are more particularly described by metes and bounds in said transcript.

The sale of the property herein referred to was made by you, subject to the approval of the Governor and the Attorney General and subject to certain leases on a part of this property, under the authority of section 3 of Senate Bill No. 212 enacted by the 79th General Assembly under date of June 7, 1911, 102 O.L., 294, section 13971, General Code, and section 464, General Code, which confers upon the Superintendent of Public Works all of the power and authority formerly conferred upon the Ohio Canal Commission and the Board of Public Works with respect to the sale of canal lands. As required by the provisions of section 13971, General Code, this transcript contains a finding made by you as Superintendent of Public Works that this property cannot be leased so as to yield an income of six per cent on the valuation thereof; and conformable to the further provisions of this section of the General Code, this property was offered for sale at public vendue at the Court House in Ross County, Ohio, where this property is situated, after thirty days notice of such sale was given by publication by two newspapers of opposite politics and

of general circulation in such county. And it appears further in this connection that at this public sale of said lands the same was bid in by said The Norfolk and Western Railway Company by the Division Counsel of said railway company for the sum of \$42,100.60, which was the appraised valuation of said property, and that said bid was the highest and best bid offered for this property.

On an examination of this transcript of your proceedings relating to the sale of this property, it appears that said proceedings were in all respects regular and in conformity with the statutory provisions governing the sale of canal lands.

I am according approving this transcript as is evidenced by my approval endorsed upon the transcript and upon the duplicate copy thereof, both of which are herewith returned to you.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

3356.

JUVENILE COURT—JURISDICTION—DEPENDENT CHILD—
TERMINATION—COMMON PLEAS COURT—DIVORCE
ACTION—CUSTODY, CARE, SUPPORT CHILDREN—
TRANSFER OF JURISDICTION—SEE SECTIONS 1639-35
AND 1635-16 G. C.

SYLLABUS:

The jurisdiction of the juvenile court over a "dependent" child can be terminated by proper entry in accordance with Section 1639-35, General Code. When there has been such a termination, the Common Pleas Court has, in a divorce action, complete jurisdiction over the matters of custody, care and support of said children; the Common Pleas Court may, however, under the circumstances described in Section 1635-16, General Code, transfer said jurisdiction to the juvenile court.

COLUMBUS, OHIO, December 12, 1938.

HON. FRANK T. CULLITAN, *Prosecuting Attorney, Cleveland, Ohio.*

DEAR SIR: I am in receipt of your communication which reads as follows:

"Will you kindly render an opinion with reference to certain jurisdictional questions set forth hereafter and arising out of the following facts: