

this view, it appears that you are authorized to execute this lease with respect to the stated term of the same and the annual rental therein provided for, such rental being six per cent of the appraised value of the property.

Upon examination of this lease, I find that the same has been properly executed by you as Conservation Commissioner, acting for and on behalf of the State of Ohio, and by Gail Sesler, the lessee therein named. And inasmuch as I further find that the provisions of this lease and the conditions and restrictions therein provided for are in conformity with all statutory enactments relating to leases of this kind, I am approving this lease as to legality and form, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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3488.

APPROVAL—CANAL LAND LEASE, STATE OF OHIO, THROUGH DIRECTOR OF PUBLIC WORKS, TO THE EAST OHIO GAS COMPANY, CLEVELAND, OHIO, RIGHT TO LAY AND MAINTAIN STEEL PIPE GAS MAIN ACROSS AND UNDER OHIO CANAL LANDS AS DESIGNATED, LAWRENCE TOWNSHIP, STARK COUNTY, OHIO, ANNUAL RENTAL, \$12.00.

COLUMBUS, OHIO, January 3, 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 as Superintendent of Public Works and as Director of said department to The East Ohio Gas Company of Cleveland, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$12.00, there is leased and demised to The East Ohio Gas Company the right to lay and maintain one two-inch steel pipe gas main across and under the bed and banks of the abandoned Ohio Canal lands situated in Lawrence Township, Stark County, Ohio, and crossing said canal property at or near Station

1020+32 of the W. J. Slavin Survey of said canal property, as shown by Plat No. 47 now on file at the office of the Department of Public Works, at Columbus, Ohio:

This lease is one executed by you under the general authority conferred upon you as Superintendent of Public Works by the provisions of Sections 13965 and 464, General Code, and by the more particular authority of Amended Senate Bill No. 235 enacted by the 88th General Assembly under date of April 19, 1929, 113 O. L., 532. I assume that the parcel of abandoned canal land affected by this particular lease is located outside of any municipality in said county and that in this situation this lease is authorized by Section 15 of said act which provides as follows:

“The abandoned canal lands covered by this act of abandonment lying outside of municipalities and not included in an application for lease by an adjacent municipality, or other legal subdivision of the state, may be leased or sold, as the superintendent of public works may deem for the best interests of the state, in strict conformity with existing statutes relating to the leasing and selling of canal lands, except that the entire width of the canal and its embankments thereof, may be included in such leases, and that the terms thereof may be for fifteen years and multiples thereof, but subject to reappraisal at the end of each fifteen year period by proper state authority.”

Assuming, as appears to be the case, that the parcel of abandoned canal land here in question has not been included in an application for the lease of this property by any adjacent municipality or other legal subdivision of the State, this section confers ample authority upon you to execute the lease here under consideration. And finding, as I do, that this lease has been properly executed by you as Superintendent of Public Works for and in the name of the State of Ohio and by The East Ohio Gas Company by the hand of its Assistant General Manager, acting pursuant to the authority of a resolution duly adopted by the Board of Directors of said company, and that the provisions of this lease and the conditions and restrictions therein contained are in conformity with the above noted statutory provisions and with other statutory enactments relating to leases of this kind, I am approving this lease as to legality and form, as is evidenced by my approval endorsed upon the lease and

upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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3489.

BOARD OF EDUCATION—CITY SCHOOL DISTRICT—NO AUTHORITY TO MAINTAIN DEPARTMENT OF PUBLICITY AT PUBLIC EXPENSE—NO AUTHORITY TO PAY FOR PUBLICATION BOOKS AND PAMPHLETS SUCH AS “SCHOOL TOPICS,” “CLEVELAND SCHOOL DIRECTORY,” “GIVE YOURSELF A FAIR START,” ETC.

*SYLLABUS:*

1. *A board of education of a city school district does not have authority to maintain a Department of Publicity at public expense, for the schools under its control.*

2. *A board of education does not have authority to pay for the publication of books and pamphlets such as the following: (a) “Illustrated Courses of Study for Junior and Senior High Schools”; (b) “School Topics”, a publication for teachers; (c) “Give Yourself a Fair Start”, an illustrated brochure on the advantages of a high school education; (d) “Cleveland School Directory”; and (e) “Cleveland Schools and Your Dollar”, a pamphlet of information relating to the schools, to be distributed to the parents of the pupils.*

COLUMBUS, OHIO, January 3, 1939.

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

GENTLEMEN: This will acknowledge receipt of your communication, which reads as follows:

“May we respectfully request your opinion upon the following questions:

1. Does a board of education of a city school district have authority to maintain a department of publicity for the schools under its control?

(The various duties and services performed by this department are designated in the enclosed report.)

1a In this connection, does a board of education have