

A licensed propagator who sells pheasants must put the required tag on each bird and make the required report of each sale on blanks that are furnished to him for that purpose and if he consigns these pheasants for transportation he must mark the package as required in said section. Where he conducts this licensed business, observing each provision of the section creating the same, it seems his right to engage in such enterprise is fully protected. If he intends to profit as such propagator of pheasants by selling permits to others to hunt the birds he receives, allowing those permitted to hunt the same to take the game away with them, he must properly tag and report such birds as required by section 1436 of the General Code.

Any other construction of these provisions would mean that a licensed propagator could take, sell and transport only live pheasants, except during the eleven day open season from November 15th, to November 25th. Such a construction does violence to the plain intent of the section and the statements therein contained.

From what has been said herein it follows as a necessary conclusion that the exception in section 1436 of the General Code, stating:

"No pheasants * * * shall be killed by shooting, except during the open season for such birds, or except as provided by this section,"

does not intend to restrict licensed propagators, or those having their written permit to take, on the lands owned or leased by the licensee, to killing said pheasants, by shooting only during the open season from November 15th to November 25th.

Propagation of pheasants by persons licensed so to do since it is a permit "to breed and raise for commercial purposes," under specific regulations, requires such licensees to comply with each regulation of the statute in exercising the right to conduct said enterprise.

Respectfully,

C. C. CRABBE,
Attorney General.

3109.

ABSTRACT, STATUS OF TITLE, TO PREMISES IN BENTON TOWNSHIP,
PIKE COUNTY.

COLUMBUS, OHIO, January 29, 1926.

HON. CARL E. STEEB, *Secretary, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—Examination of an abstract of title and other documents submitted by you for examination and opinion, discloses the following:

The abstract under consideration was prepared and certified under date of November 10, 1925, and pertains to the following premises:

67½ acres of land located in Benton township, Pike county, and being a part of Surveys Nos. 16161 and 16164, and being more particularly described in the caption of the abstract to which this opinion is attached.

Upon examination of said abstract, I am of the opinion same shows a sufficient title to said premises in John Mathew, subject to the following:

So far as appears in the abstract, the taxes for the year 1925 have not been de-

terminated, but same are now a lien and the amount thereof should be ascertained and same paid before the acceptance of the transfer by the State of Ohio.

Proper delivery of the already executed deed as submitted with the abstract will be sufficient to convey the title of the premises to the State of Ohio.

Encumbrance estimate No. 542 covering the consideration of the premises described, in the sum of \$568.75 has been properly certified by Wilbur E. Baker, Director of Finance, under date of January 13, 1926.

The abstract is also accompanied by a certificate of the Director of Finance showing approval of the purchase by the controlling board.

The abstract of title, warranty deed, encumbrance estimate and certificate of the Director of Finance submitted by you are herewith returned.

Respectfully,
C. C. CRABBE,
Attorney General.

3110.

APPROVAL, LEASE TO STATE OF OHIO, OF GARAGE PREMISES ON LOT 201, NORTH ASHLAND, ASHLAND, OHIO, FROM APRIL 1, 1926, TO JULY 1, 1927.

COLUMBUS, OHIO, January 29, 1926.

HON. G. F. SCHLESINGER, *Director of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my consideration a lease executed by Myrtle F. Tilton and Amanda Miller, granting to the State of Ohio, Department of Highways and Public Works, Division No. 3, premises consisting of garage located on the north side of West Second street, between Church and Orange streets, on Lot No. 201, North Ashland, Ashland, Ohio, for the term of fifteen months commencing on the first day of April, 1926, and ending on the first day of July, 1927.

Under the terms of the lease the state will be required to pay the sum of \$200.00 per month during the continuance of the lease, payable on the first day of the month. It also contains an option giving the state permission to renew the lease to April 1, 1928, on the same terms and conditions, by giving the first party sixty days' notice.

Finding said lease in proper legal form, the same is hereby approved as to form, and returned herewith. Your attention, however, is called to the fact that before said lease is officially accepted, the certificate of the Director of Finance should be obtained to the effect that there are unencumbered balances legally appropriated to cover the state's obligation under the lease.

Respectfully,
C. C. CRABBE,
Attorney General.

3111.

APPROVAL, BONDS OF VILLAGE OF VANDALIA, MONTGOMERY COUNTY, \$3,000.00.

COLUMBUS, OHIO, January 30, 1926.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.