

of bonds, the deputy state supervisor of elections * * * shall certify the result of such election to the governor * * *; whereupon the governor shall, within ten days after the receipt of such certification, appoint a board of county hospital trustees, composed of four freeholders of such county."

Section 3132 then goes on to provide, as formerly, that the board of trustees shall select and purchase a site, erect the hospital, etc., the county commissioners still being given the duty of issuing the bonds by section 3130 G. C. as amended.

It is apparent therefore that under the amendments of 1919 your first question is to be answered by the statement that the first board of trustees is not to be elected but appointed, and that the purchase of the site and erection of the building need not be deferred unreasonably after the election on the question of issuing the bonds.

Your second question is also answered by section 3131, as follows:

"Such board shall be bipartisan, with two members from each of the two political parties casting the highest number of votes in such county for their respective candidates for governor at the next preceding gubernatorial election."

You will observe that nothing is said in this section about qualifications of trustees with respect to sex.

Your third question is answered by section 3132, which provides in part as that:

"The trustees shall serve without compensation, but shall be allowed their necessary and reasonable expenses incurred in the performance of their duties, the same to be paid out of the funds provided for such hospital."

And I might add that section 3136, as amended, provides that when the first board of trustees (which serves merely during the erection of the building) has completed its work the county commissioners are to appoint a board of four trustees for different terms, not more than two of whom are to be of the same political party. These are the only appointments the commissioners are authorized to make.

No opinion is expressed as to the constitutionality of this last provision.

Respectfully,

JOHN G. PRICE,
Attorney-General.

1029.

APPROVAL, ABSTRACT AND DEED, PREMISES KNOWN AS TRACTS NOS. 1, 2, 3 AND 4, RICHLAND COUNTY, OHIO, EXECUTED BY EMMA B. NAIL, SARAH J. BALLIETT AND MARY E. DAWSON TO STATE OF OHIO.

COLUMBUS, OHIO, February 26, 1920.

Ohio Board of Administration, Columbus, Ohio.

GENTLEMEN:—An examination has been made of two abstracts submitted by you, each of which was certified by J. M. Reed, attorney and abstracter, on December 17, 1919, with reference to the following described premises:

Tract No. 1: Situate in the south half of the southeast quarter of section number ten (10), township number twenty-one (21), range eighteen

(18), Richland county, Ohio, bounded as follows, to-wit: Commencing in the road leading from Mansfield to Olivesburg at its intersection with a road coming from the northwest along the north and east boundary line of the land now owned by the state of Ohio upon which the State Reformatory is situated; thence north thirty-three degrees and sixteen minutes west on the line of said state lands four chains and thirty-four links to a corner of said state lands; thence north one degree and thirty-eight minutes west on east boundary of said state land and beyond eleven chains and eighty-two links to a post on the north line of said half quarter at the northwest corner of Samuel Nail's land; thence south eighty-nine degrees, fifty-six minutes east on said half quarter line four chains to a post; thence south one degree thirty-eight minutes east parallel with the east boundary of said land eight chains and thirty-seven links to a post; thence south fifty-five degrees and forty-eight minutes east at a right angle to said Olivesburg road two chains and fifty links to a point in said road; thence south thirty-four degrees and twelve minutes west in the center of said road fifty-four and one-half links to an iron rod, thence south thirty-two degrees, ten minutes west in the center of said Olivesburg road six chains and eighteen and one-fifth links to the place of beginning, containing five (5) acres and ninety-eight hundredths of an acre of land strict measure surveyed September 4, 1896.

Tract No. 2: Also the following estate, situated in Madison township, Richland county, Ohio, and known as being a part of the south half of the southeast quarter of section number ten (10), township number twenty-one (21), range number eighteen (18) and being more particularly described as follows: Beginning on the half quarter section line nine hundred and eighty-four feet from the east boundary line of said quarter section; thence south fifteen degrees west five hundred and eighty feet to a stone monument; thence north one degree and thirty minutes west five hundred and fifty-three feet (533) to a stone; thence east one hundred and fifty-seven (157) feet to the place of beginning containing one (1) acre.

Tract No. 3: Also the following real estate, situated in the township of Madison, in the county of Richland and state of Ohio, and bounded and described as follows: Being a part of the southeast quarter of section number ten (10), township number twenty-one (21), range number eighteen (18), beginning on the half quarter line nine hundred and eighty-four (984) feet from the east boundary line of said quarter section; thence north ninety-four and three-tenths (94 3-10) feet; thence west six hundred and forty-eight (648) feet; thence south two hundred and thirteen and three-tenths (213 3-10) feet; thence east two hundred and twenty-seven (227) feet; thence north one hundred and nineteen (119) feet; thence east four hundred and twenty-one (421) feet, to the place of beginning, containing two (2) acres.

Tract No. 4: Situate in the township of Madison, county of Richland, and state of Ohio, and known as being a part of the south half of the southeast quarter of section number ten, township No. twenty-one, range number eighteen, and being more particularly described as follows: Beginning at a point on the east boundary line of said quarter section, fifty-four (54) perches and twelve (12) feet north of the southeast corner of said quarter; thence north to a post the corner of the lands formerly owned by E. Chatlain and S. Nail; thence west three degrees and ten minutes variation north sixty-six (66) perches and eight (8) feet to a stone; thence south thirty-three (33) perches and five (5) feet to a stone; thence southeast at right angles with the Olivesburg road to the center of said road; thence along the center of said road northeast sixteen (16) perches; thence east three degrees and ten minutes variation to the place of beginning, save and except all land included in above

description lying east of the Olivesburg road. Also save and except the following tract heretofore deeded by the within grantors to Anna N. Ettinger and described as follows: Beginning on the half quarter section line nine hundred and eighty-four (984) feet, from the east boundary line of said quarter section; thence south fifteen (15) degrees west, five hundred and eighty (580) feet to a stone monument; thence north one degree and thirty minutes west, five hundred and thirty-three (533) feet to a stone; thence east one hundred and fifty-seven (157) feet to the place of beginning containing one (1) acre. The land herein intended to be conveyed contains four and three-twentieths (4 3-20) acres of land be the same more or less and subject to all legal highways and all lying west of the Olivesburg road.

In the conveyance of M. D. Harter, treasurer of the Aultman & Taylor Co to Samuel Nail, March 16, 1882, as disclosed by said abstracts, it does not appear that said M. D. Harter as said treasurer was authorized to make said conveyance on behalf of said company. However, in an affidavit made by E. S. Nail on January 2, 1920, which is attached to said abstract, said affiant states that the premises described in the deed referred to have been in the open, notorious and continuous possession of Samuel Nail and his grantees since March 18, 1875, and said premises were so held adversely to the claims of all other persons. In view of this fact it is believed that whatever defect existed in the execution of said deed is now corrected by the statements in the affidavit referred to.

It is, therefore, my opinion that said abstracts, together with the supplements attached thereto, disclose a good and sufficient title to the premises above described in tracts Nos. 1, 2 and 3 to be in the name of Emma B. Nail at the date of said abstracts, free from all incumbrances.

Said abstracts further show good title to the premises described in tract No. 4, to be in the names of Sarah J. Balliett, Emma B. Nail and Mary E. Dawson, at the date of said abstracts, free from all incumbrances.

I have further examined a deed submitted by you, executed by Emma B. Nail to the state of Ohio, which is sufficient to convey the title of the said grantor to the premises described in tracts Nos. 1, 2, and 3, to the said state of Ohio, when properly stamped and delivered.

An examination has also been made of a deed executed by Sarah J. Balliett, Emma B. Nail and Mary E. Dawson, which it is believed is sufficient to convey the title of said grantors to the premises described in tract No. 4 to the state of Ohio, when properly stamped and delivered.

Said abstracts and deeds are returned herewith.

Respectfully,
 JOHN G. PRICE,
Attorney-General.