

No.	Name	County	Township	Acres
962	E. S. Prentice	Lorain	Russia	146
963	Grace Spalding	Lorain	Camden	50
964	J. P. Adkins	Pickaway	Monroe	20
965	Allen Keller	Pickaway	Monroe	302
966	Josiah Reeves	Pickaway	Monroe	230
967	Chris Hanawalt	Pickaway	Perry	216
968	B. O. Keller	Pickaway	Monroe	198
969	City of Columbus	Delaware	Concord	1225
970	City of Columbus	Franklin	Perry	638

I have examined said leases, find them correct as to form, and I am therefore returning the same with my approval endorsed thereon.

I am returning herewith the following lease without my approval:

No.	Name	County	Township	Acres
961	Village of Oberlin	Lorain	Russia	146

The acknowledgment on the lease is defective in that it is acknowledged by J. L. Edwards and Beulah Lounsborough as individuals, such acknowledgment therefore not being the act of the corporation. I suggest that this acknowledgment be taken in the following form:

“Before me, a Notary Public in and for said county, personally appeared J. L. Edwards and Beulah M. Lounsborough, chairman of council and clerk of the village of Oberlin, respectively, who acknowledged the execution of the foregoing lease to be their voluntary act on behalf of said village, and the corporate act and deed of said village.”

Respectfully,
EDWARD C. TURNER,
Attorney General.

610.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE PENNSYLVANIA RAILROAD COMPANY FOR GRADE ELIMINATION AT ROOTSTOWN, PORTAGE COUNTY, OHIO.

COLUMBUS, OHIO, June 13, 1927.

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

DEAR SIR:—I acknowledge receipt of your communication of June 6, 1927, transmitting for my approval an agreement in triplicate between the State of Ohio and the Pennsylvania Railroad Company, covering a grade elimination in Inter-county Highway No. 18 at Rootstown, Portage County, Ohio. This agreement has been executed by the company and is made pursuant to Sections 6956-22, et seq., of the General Code, commonly known as the Fisher Act.

Section 6956-23 of the General Code provides for the changing of the location of a main market road or intercounty highway when the same is necessary to accomplish the abolishment of such grade crossing.

Section 6956-37 of the General Code provides in substance that the director of highways and public works shall have the same power to raise or lower or cause to be raised or lowered the grade of any main market road or intercounty highway above or below railroad tracks as that conferred by the Fisher Act upon county commissioners but only after proper hearing as provided in Sections 3 and 7 of said act.

Section 6956-38 makes provision for that part of the costs to be borne by the state in grade separations and provides that the same shall be paid from the intercounty highway or main market road fund of the department of highways and public works.

An examination of this agreement will reveal that it involves a relocating of the present grade crossing in Intercounty Highway No. 18 with the tracks of the Pennsylvania Railroad Company and that the State of Ohio has agreed to contribute the sum of \$32,500 toward this project.

Finding that the director of highways and public works has authority in law to enter into a contract containing the terms and conditions as the one submitted to me for my approval and that the same is correct in form, I hereby approve the same.

I am returning herewith the contract submitted to me for my approval in order that you may execute the same in behalf of the State of Ohio.

Respectfully,
EDWARD C. TURNER,
Attorney General.

611.

COUNTY SHERIFF—DUTY AS TO FEDERAL PRISONERS—DEFINITION OF WORD "SUBSISTENCE" AS USED IN SECTION 3179, GENERAL CODE—SECTION 2850, GENERAL CODE, DISCUSSED.

SYLLABUS:

1. *It is the duty of a county sheriff to receive prisoners committed by authority of the United States and confine them in the county jail. Such prisoners should be supported while so confined as are other prisoners in the jail and the expense of the subsistence of such prisoner while in the county jail shall be charged for by the sheriff on the basis of the actual cost of such subsistence.*

2. *The word "subsistence" as used in Section 3179, General Code, for which the sheriff is authorized to make a charge for federal prisoners includes not only the cost of furnishing the food for said prisoners but of furnishing articles of personal clothing, laundry work, medical attendance and nursing when necessary and such articles as are necessary to provide the means for personal cleanliness of the prisoners, but should not include the cost of fuel or warming the jail or such other articles as would be included among the furnishings of the jail.*