

305.

APPROVAL, LEASE ON BUCKEYE LAKE LAND.

COLUMBUS, OHIO, April 9, 1927.

Department of Highways and Public Works, Division of Public Works, Columbus, Ohio.

GENTLEMEN:—I am in receipt of your letter dated April 9, 1927, in which you enclose the following lease in triplicate, for my approval:

<i>BUCKEYE LAKE</i>		<i>Valuation</i>
C. C. Philbrick	Land Lease	\$100.00

I have carefully examined said lease, find it correct as to legality and form, and am therefore returning same, with my approval endorsed thereon.

Respectfully,

EDWARD C. TURNER,
Attorney General.

306.

APPROVAL, ABSTRACT OF TITLE TO LAND IN GREENFIELD, OHIO, TO BE USED FOR ARMORY SITE.

COLUMBUS, OHIO, April 11, 1927.

HON. FRANK D. HENDERSON, Adjutant General of Ohio, Columbus, Ohio.

DEAR SIR:—The abstracts of title and warranty deeds covering the premises which it is proposed that the state of Ohio purchase for armory purposes in Greenfield, Ohio, have been resubmitted for examination. The abstracts and deeds were returned to you under date of March 3, 1927, for certain corrections.

With reference to the tract which it is proposed to purchase from T. H. Nevil and James E. Nevil, being the whole of Inlot No. 44 and 10 feet off the west side of Inlot No. 37, as known and designated on the recorded plat of the village of Greenfield, Ohio, there has been submitted evidence showing that the mortgage executed January 7, 1925, by T. H. Nevil and wife and James E. Nevil and wife, to the Home Building and Loan Company, has been cancelled of record.

There have also been submitted three quit-claim deeds from the heirs at law of Cephas C. Norton, deceased, to the state of Ohio, which in my opinion, are sufficient to cure the defects in acknowledgments of a deed by said heirs at law to Mary E. McConnaughey, as pointed out in my former opinion.

My re-examination of said abstracts and other papers above mentioned discloses that the same now show good and merchantable title in T. H. Nevil and James E. Nevil as to the whole of Inlot No. 44 and 10 feet front off the west side of Inlot No. 37, as known and designated on the recorded plat of the village of Greenfield, Ohio, and in Scott Rooks as to a portion of said Inlot No. 37, being a strip 7 feet, 6 inches by 165 feet as described in the warranty deed from said Scott Rooks to the state of Ohio, except that the abstracts show that the 1926 taxes, amount undetermined, are unpaid and a lien on the real estate.

It is my suggestion that sufficient money be retained out of the purchase price for said real estate to pay said taxes after the amount of the same has been determined.

Subject to the above, I am approving the abstracts of title and warranty deeds, and return the same to you herewith, together with the quit-claim deeds and other papers above mentioned.

Respectfully,
EDWARD C. TURNER,
Attorney General.

307.

SHERIFF—FEEDING OF PRISONERS—SENATE BILL NO. 28 AND SECTIONS 3158 AND 3159, GENERAL CODE, CONSTRUED.

SYLLABUS:

1. *Under the provisions of Senate Bill No. 28 amending Section 2850 of the General Code, sheriffs in all counties shall be allowed by the county commissioners the actual cost of keeping and feeding prisoners or other persons confined in the county jail at a rate not to exceed seventy-five cents per day of three meals each.*

2. *Sheriffs in all counties are required to render on the 5th day of each calendar month to the county commissioners an itemized and accurate account, with all bills attached, showing the actual cost of keeping and feeding prisoners and other persons placed in his charge and the number of meals served to each such prisoner or other person during the preceding month.*

3. *Sheriffs in counties where the daily average number of prisoners or other persons confined in the county jail during the year next preceding as shown by the statistics compiled by the sheriff under the provisions of Sections 3158 and 3159, General Code, did not exceed twenty in number are directed to expend not less than an average of fifteen cents per meal for the prisoners and other persons confined in the county jail.*

COLUMBUS, OHIO, April 11, 1927.

HON. JOHN W. DUGAN, *Prosecuting Attorney, New Lexington, Ohio.*

DEAR SIR;—You have submitted for my opinion a question involving the construction of Section 2850 of the General Code as amended by Amended Senate Bill No. 28, which after its passage by the General Assembly and the signature of the Governor, was filed in the office of the Secretary of State on March 18, 1927, and will become effective on and after June 16, 1927, unless sooner repealed or amended.

Your letter reads as follows:

“Will you please advise me as to amount county commissioners can allow the sheriff of our county for feeding prisoners and other persons confined in jail? The daily average number of prisoners or other persons confined in our county jail during last year did not exceed twenty in number.

Section 2850 of the General Code, as you are aware, was amended just recently by the legislature. Under this section, as now amended, do the commissioners allow a flat rate of not less than fifteen cents nor more than twenty-five cents per meal regardless of the cost, or does this law mean that the sheriff, in a county where the average did not exceed twenty persons per day, was to feed them at cost with the provision that he is to receive not less than fifteen cents per meal nor more than twenty-five cents per meal?

If the sheriffs in counties like our own are placed on a flat rate within the limitations, is it necessary for them on the 5th day of each month, as in other counties, to file an itemized account with bills attached?