

by said Pearl M. Mitchell, widow and sole devisee of George E. Mitchell, deceased, and the other executed by said Letta Hesse Stanton. The first deed above mentioned has been properly executed and acknowledged by said Pearl M. Mitchell and as to form it is sufficient to convey to the State of Ohio the fee simple title to said above described property, free and clear of all encumbrances "except said ninety-nine year lease to said Letta W. Hesse and except also all taxes, assessments, mortgages and other liens created by said lessee or levied against said leasehold estate." The other deed, which is signed by said Letta Hesse Stanton, and by Frederick M. Stanton, her husband, has been properly executed and acknowledged by both of said persons as grantors, and as to form said deed is sufficient to convey to the State of Ohio a fee simple title in and to the above described property, free and clear of all encumbrances whatsoever, except "the taxes and assessments due and payable on and after the December, 1930, payments.

There have been presented to me a part of the files relating to the purchase of this property, two encumbrance estimates, the same being numbered 636 and 637, covering payments of the purchase price of this property to be made respectively to said Pearl M. Mitchell and to said Letta Hesse Stanton. Both of said encumbrance estimates have been properly executed and approved and it is shown thereby that there are sufficient balances in the appropriation account to pay the respective amounts therein provided for.

I am herewith returning to you said abstracts of title with my approval of the same, subject to the exceptions above noted, and likewise the warranty deeds and encumbrance estimates above referred to, which are hereby approved.

Respectfully,

GILBERT BETTMAN,
Attorney General.

2295.

APPROVAL, ABSTRACT OF TITLE TO LAND OF MARGARET G. PULLING AND ROBIN PULLING IN THE CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, September 5, 1930.

The State Office Building Commission, Columbus, Ohio.

GENTLEMEN:—There has been submitted for my examination and approval an abstract of title, warranty deed and encumbrance estimate No. 638, relating to the proposed purchase by the State of Ohio of a certain parcel of real property situated in the city of Columbus, Franklin County, Ohio, which is owned of record by Margaret G. Pulling and Robin Pulling and which is more particularly described as follows:

"Being part of Inlot One Hundred Twenty-four as the same is numbered and delineated upon the recorded plat of the Town (now City) of Columbus, Ohio, of record in Deed Book F, page 332, Recorder's Office, Franklin County, Ohio.

Beginning at the northeast corner of said Inlot, thence running westwardly with the south line of West Broad Street 46.44 feet to the center of a brick wall, thence south with the center of said wall 70.30 feet to a stake, thence westerly parallel with the south line of Broad Street 16.76 feet to the east line of Scioto Street, thence south and southeasterly along the east line of

said Scioto Street 142.70 feet to Capital Alley, thence easterly one foot more or less with the north line of Capital Alley, thence north along the east line of said Inlot One Hundred Twenty-four (124) to the place of beginning."

Upon examination of said abstract of title, the last continuation of which is certified by the abstracter under date of August 29, 1930, I find that said Margaret G. Pulling and Robin Pulling, as tenants in common, have a good and indefeasible fee simple title to the above described property free and clear of all encumbrances except the following liens here noted as exceptions to said title:

1. On July 12, 1928, Margaret G. Pulling, Robin Pulling and Bernice W. Pulling, the wife of said Robin Pulling executed a mortgage on the above described property to The First Citizens Trust Company to secure the payment of their promissory note of even date therewith in the sum of thirty-seven thousand dollars (\$37,000.00), payable to said The First Citizens Trust Company three years after date with interest at the rate of 6½% per annum payable quarterly. This mortgage is not satisfied of record and the same to the extent of the amount remaining unpaid upon the note secured thereby is a lien upon this property. Before the transaction relating to the purchase of this property is closed and the purchase money therefor is paid a release of said mortgage should be executed in the usual and proper form by the authorized officers of The First Citizens Trust Company.

2. The taxes on said property for the year 1929 and previous years, amounting, with penalty, to the sum of four thousand five hundred forty dollars and eleven cents (\$4,540.11), are unpaid. These taxes and penalty thereon have been certified as delinquent and the same, together with any legal interest that may be due thereon, are a lien on this property.

3. There is a balance in the sum of three hundred sixty-three dollars and sixty-six cents (\$363.66) remaining unpaid upon the installment for the improvement of Broad Street. Of said assessment the fourth and fifth installments amounting to ninety-three dollars and eighty-two cents (\$93.82) and twenty-eight dollars and fifty-six cents (\$28.56), interest and penalty, were due and payable in June, 1930.

4. There is a balance of two hundred fifteen dollars and thirty cents (\$215.30) remaining unpaid on the assessment for a street lighting system, the cost and expense of which were assessed upon the above described and other property benefited thereby. The first and second installments of said assessment, amounting to eighty-one dollars and seventy cents (\$81.70), together with twenty-three dollars and seventy cents (\$23.70) interest and penalty, were due and payable in June, 1930.

With the abstract of title above referred to there has been submitted to me a warranty deed signed by said Margaret G. Pulling, Robin Pulling and Bernice W. Pulling. Upon examination of said deed I find that the same has been properly executed and acknowledged by said grantors and that said deed is in form sufficient to convey to the State of Ohio a fee simple title in and to the above described property, free and clear of the dower interest therein of said Bernice W. Pulling and free and clear of all encumbrances except taxes and assessments now due and payable.

Upon examination of encumbrance estimate No. 638, above referred to, I find that the same has been properly executed and approved and that there is shown thereby a sufficient balance in the appropriation account to pay the purchase price of said property, which purchase price is the sum of ninety thousand two hundred and eighty-five dollars (\$90,285.00).

I am herewith forwarding to you said abstract of title approved by me, subject

to the exceptions above noted, and likewise said warranty deed and encumbrance estimate No. 638, both of which are hereby approved.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2296.

**PUBLIC RECORD—BOOK KEPT BY SUPERINTENDENT OF INFIRMARY
CONSIDERED SUCH—FORMER INFIRMARY INMATE MAY INSPECT
THIS BOOK AT ANY REASONABLE TIME UNDER SUPERVISION OF
SUPERINTENDENT.**

SYLLABUS:

One who has formerly been a resident of the county infirmary and discharged therefrom under Section 2527-3, General Code, is entitled to inspect the book kept by the superintendent of the infirmary under Section 2527 of the General Code, if such inspection is made at a reasonable time under the supervision of said superintendent.

COLUMBUS, OHIO, September 5, 1930.

HON. JOHN K. SAWYERS, JR., *Prosecuting Attorney, Woodsfield, Ohio.*

DEAR SIR:—Acknowledgment is made of the receipt of your communication which reads as follows:

"I desire your opinion on the question set out below. By the latter part of Section 2522 of the General Code of Ohio, it is provided as follows:

'Records and accounts. The commissioners shall keep a separate book in which the clerk, or if there be no commissioners' clerk, the county auditor, shall keep a separate record of their transactions respecting the county infirmary, which book shall be known as the infirmary journal and shall be kept in the manner provided by Sections 2406 and 2407 of the General Code of Ohio, and said book shall at all reasonable times be open to public inspection.'

By Section 2527 of the General Code, it is provided as follows:

'Record to be kept by superintendent. The superintendent of the infirmary shall enter in a book to be provided for him and kept for that purpose, so far as it can be ascertained, information in reference to each person received into the infirmary as follows: Name, sex, age, nativity, date of admission, length of residence in the state, and in the county, from what township received, whether insane, idiotic or epileptic, whether diseased, deformed, crippled, blind, deaf and dumb, date of discharge from the infirmary and reasons therefor, date of all deaths and causes thereof, the number of births and parentage of all children born in the infirmary.'

You will note the reading of the former section that the 'Infirmary Journal' kept by the county auditor is open for public inspection. The query that has been put up to me is whether or not the book kept by the Superintendent of the infirmary as provided for in Section 2527 of the General Code is likewise open for public inspection?

The above question is arising by reason of the fact that an inmate of the county infirmary who has been recently discharged from said infirmary by a