

3934.

APPROVAL, ABSTRACT OF TITLE AND WARRANTY DEED, 55 ACRES IN EAST UNION TOWNSHIP, WAYNE COUNTY, OHIO, SITE FOR INSTITUTION FOR FEEBLE MINDED IN NORTHERN OHIO, FROM SARAH DELLA NUSSBAUM, TO STATE OF OHIO.

COLUMBUS, OHIO, January 7, 1927.

In re: Abstract of Title of Sarah Dell Nussbaum Tract.

HON. JOHN E. HARPER, *Director, Department of Public Welfare, Columbus, Ohio.*

DEAR SIR:—Examination of an abstract, warranty deed and other data submitted for my examination and approval, discloses the following:

The abstract as submitted was prepared by The Wayne County Abstract Company of Wooster, Ohio, and is certified under date of December 23, 1926, and pertains to 55 acres in East Union township, Wayne county, Ohio, to be used as a part of the site for an additional Institution for the Feeble Minded in Northern Ohio, and which real estate is more particularly described by metes and bonds in the caption of the abstract to which this opinion is attached.

The note set forth on page 11 shows a deed from Philip Kosig to Philip Arnold for 10 acres to be missing from the records. However, the deed recorded preceding contains a recital which shows that this deed was evidently executed and delivered. This conveyance was apparently made nearly one hundred years ago, so that I am of the opinion that this discrepancy may be disregarded.

The deeds on pages 27 and 47 refer to a roadway which apparently at one time extended East and West along the South side of caption premises. However, the affidavits of Ezra Alvy Franks and of Sarah Dell Nussbaum submitted herewith show that this road is no longer used and has not been used for many years. Furthermore, the state is acquiring the land to the South, so that all things considered, I am of the opinion that this likewise may be disregarded.

On page 51 is an uncancelled Oil and Gas Lease executed and delivered to The Inter State Oil Company in 1904. The affidavit of Sarah Dell Nussbaum submitted herewith shows that no wells were drilled or begun under and by virtue of said lease, and that no rentals have been paid her thereon, during her long occupancy of said premises, thus showing that the terms of said lease have been violated, thus rendering the same null and void.

On page 61 is an uncancelled mortgage now held by The Apple Creek Banking Company, the payment of which should be made a condition of the delivery of the warrant.

On pages 64 and 65 are set forth an Oil and Gas Lease now held by The Logan Gas Company, which is uncancelled, and which the State in its contract of purchase has agreed to assume. An assignment of said lease to the State of Ohio is likewise submitted herewith.

The taxes for the last half of the year 1926, amounting to \$42.89 are unpaid and a lien. The vendor in her contract of sale has agreed to pay these, and their payment should be made a condition of the delivery of the warrant.

A warranty deed from Sarah Della Nussbaum, otherwise known as Sarah Dell Nussbaum, to the State of Ohio is submitted herewith and is in my opinion sufficient to convey the title of said premises to the State of Ohio.

It also appears from a copy of the minutes herewith enclosed that said purchase has been approved by the Controlling Board. A regularly certified encumbrance estimate should accompany this abstract.

The abstract, warranty deed and other data submitted are herewith returned.

Respectfully,

C. C. CRABBE,

Attorney-General.

3935.

MOTOR VEHICLE FEES—COLLECTED UNDER SECTIONS 6294-1 AND 6298 G. C.—SHOULD BE PAID INTO STATE TREASURY TO CREDIT OF GENERAL REVENUE FUND.

SYLLABUS:

Fees collected under sections 6294-1 and 6298 of the General Code should be paid into the state treasury to the credit of the general revenue fund.

COLUMBUS, OHIO, January 8, 1927.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—I acknowledge receipt of your letter as follows:

“Section 6294-1, General Code, provides for a transfer fee of one dollar when an automobile license is transferred from one car to another and Section 6298, General Code, provides for a fee of one dollar for obtaining duplicate license plates. Section 6309-2, G. C. prior to its amendment in 111 Ohio Laws, 465, provided that all fees collected under this chapter shall be paid into the state treasury to the credit of a fund to be known as ‘state maintenance and repair fund.’ Under these provisions the fees of one dollar for transfer and one dollar for duplicate plates have been paid into the state treasury. The amendment to Section 6309-2 in 111 Ohio Laws, 465, eliminated the provision that all fees collected under this chapter should be paid into the state treasury and merely provides that under this chapter should be paid into the state treasury and merely provides that 50% of all taxes collected under the provisions of this chapter shall be distributed.

Question: Under the law as it now stands, should above named fees be paid into the state treasury or should they be divided in the same way that the tax is divided under the law?”

Section 6294-1 of the General Code provides:

“Upon the transfer of ownership of a motor vehicle its registration shall expire, and it shall be the duty of the original owner to immediately notify the secretary of state of the name and address of the new owner and return to the secretary of state the registration certificate for cancellation. The original owner shall also remove number plates from a motor vehicle upon transfer of ownership of such vehicle. Should the original owner make application for the registration of another motor vehicle within thirty days after such cancellation, he may file a new application accompanied by a fee of one dollar, and pay the tax thereon, less the amount of the tax that would be collected on account of the vehicle transferred, on the date of such application.”