

However, accompanying the papers submitted to me is a properly executed release by the Napoleon State Bank releasing the two parcels under investigation from the lien of said mortgage. The release has not been filed for record; but when filed, it will constitute a good and sufficient release for the property being purchased by the State from Suydam.

2. The 1932 taxes were not determined at the date of the abstractor's certificate under date of December 6, 1932. However, they are unpaid and a lien.

3. Special assessments, now a lien against the real estate in the caption, have been stated by the abstractor as follows: "Intercounty Highway No. 316 installment for the year 1932, \$16". Whether this is the last installment or whether it is one of a series yet to be paid, the abstractor does not disclose. However, the Conservation Commissioners should have that point investigated further and be sure that all of this assessment is paid before the purchase transaction is completed.

Encumbrance Record No. 55 has been properly executed and approved and the same shows that there is a sufficient balance in the proper appropriation account to pay the purchase price of this property, which is stated to be the sum of \$275.00. It also appears that the money necessary to pay the purchase price has been released by the Control Board.

The deed which has been tendered has been properly executed by Frank B. Suydam and Ida Suydam, his wife, who releases her rights in the property by way of dower or otherwise, and the acknowledgment is in proper form. The grantor covenants that the title is clear, free and unencumbered, and that he will warrant and defend the same against all claims, and the form of the deed is such that when filed it will sufficiently convey the premises under consideration to the State of Ohio, free and clear from all claims whatsoever.

The documents first above enumerated, together with the release of the premises from the mortgage lien, are herewith returned.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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4820.

APPROVAL, ABSTRACT OF TITLE TO LAND OF ALLEN P. STALTER,  
IN NAPOLEON TOWNSHIP, HENRY COUNTY, OHIO.

COLUMBUS, OHIO, December 15, 1932.

HON. EARL H. HANEFELD, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—There has been submitted for my examination and approval an abstract of title, warranty deed and encumbrance record No. 54 relating to a certain tract of 3.34 acres of land in Napoleon Township, Henry County, Ohio, which tract is owned of record by Allen P. Stalter, and which is in the southern part of the northeast fractional quarter of Sec. 27 in Napoleon Township, Henry County, Ohio, more particularly described as follows:

Beginning at the point of intersection of the center lines of U. S. Highway No. 24 and the county highway which runs northwesterly through said Section Twenty-seven; thence South 38 degrees 16' West along said center line of U. S. Highway No. 24 177.5' to a point; thence along the arc of a 13 degree 26' curve to the left 288.44' to a point, said curve having a radius of 426.76'; thence South 0 degrees 30' East along said center line 352.06' to a point; thence along the arc of a 7 degree 26' curve whose radius is 770.93', to the left, 170.43 feet to a point; thence along the arc of a 7 degree .06½' curve, whose radius is 806.16 feet, to the left a distance of 240 feet more or less to the intersection of the said center line of U. S. Highway No. 24 and the westerly property line of the Miami and Erie Canal; thence along the westerly canal property line of the following courses and distances North 2 degrees .05' E., 74 feet; thence North 22 degrees 20' E. 231.8; thence North 11 degrees 05' East, 182.2'; thence North 38 degrees 12' West, 210.6'; thence North 9 degrees 42' West, 88.7'; thence North 45 degrees, 37' West, 50.7'; thence North 11 degrees .09' east 123.5'; thence North 31 degrees .01' East, 115'; thence North 58 degrees 24' East, 77.4'; thence North 77 degrees .06' East, 228.'; thence North 13 degrees 28' East 22.6' to the point of intersection of the westerly canal property line and the center line of the above mentioned county road produced southeasterly; thence North 74 degrees 47' West. 232.6' along the said center line produced to the place of beginning and containing 3.34 acres, be the same more or less, but subject to all legal highways.

Upon examination of this abstract of title, which is certified by the abstractor under date of November 12, 1932, I find that Allen P. Stalter has a good and merchantable fee simple title to the above described tract, free and clear from all encumbrances except certain taxes and assessments:

1. The 1932 taxes, the amount of which was not ascertainable at the date of the abstractor's certificate, are unpaid and a lien.
2. An assessment for Intercounty Highway No. 316, installments for the years 1932, 1933, 1934, 1935, 1936 and 1937, the amount of which is not stated by the abstractor.
3. An assessment for Intercounty Highway No. 316-C1 on which the one installment, payable in 1932, the amount of which has not been stated by the abstractor, is shown to be unpaid and a lien.

The abstractor states that the amount chargeable to the land in question is not ascertainable because there has been no allocation of the assessments which have been made on a larger tract containing 60 acres, of which the captioned land is a parcel.

In view of the fact that the deed executed and delivered by Mr. Stalter for investigation will convey the 3.34 acres free and clear from all encumbrances, it will be necessary for him to have the lien of these assessments discharged before your transaction with him can be completed. An arrangement should be made between the present owner and the Conservation Division in accordance with the agreement had between the parties which I assume is that set out in the warranty clause of the deed tendered by Mr. Stalter.

The warranty deed tendered by Allen P. Stalter has been properly executed with a release of dower signed by his wife, Elizabeth Stalter, and by them acknowledged in proper form. The form is not approved for the reason that the land described by metes and bounds uses, at the places checked in the deed, char-

acters which may either mean feet or minutes; if the character is used to mean feet, the word "feet" should be used in a redraft of the deed. Then, the form of the deed will, when corrected, be sufficient to convey the above described tract to the State of Ohio by a fee simple title, free and clear from dower and other encumbrances.

Encumbrance Record No. 54 has been properly executed and approved and the same shows that there is a sufficient balance in the proper appropriation account to pay the purchase price of this property which is mentioned as \$1,675.00. It also appears from the Encumbrance Record that the money necessary to pay the purchase price has been released for the purchase by the Control Board. Subject to the exception above noted in respect of assessments, the abstract of title and warranty deed are hereby approved and the same, with Encumbrance Record No. 54, are herewith enclosed.

Respectfully,  
 GILBERT BETTMAN,  
*Attorney General.*

4821.

SOLDIERS' RELIEF COMMISSION—MAY ESTABLISH REASONABLE RULES GOVERNING EMERGENCY RELIEF—MAY WAIVE REQUIREMENT ON INDORSEMENT ON VOUCHER.

*SYLLABUS:*

*The provision of section 2939, General Code, providing that no part of an allowance made by a soldiers' relief commission shall be paid to any one without the indorsement on the voucher of the person for whom the allowance is intended does not apply to emergency allowances and such commission may, under section 2941, General Code, establish such reasonable rules which it deems advisable to govern the giving of emergency relief, and where its rules so provide, it could, in a proper case, make payment to a grocer for food furnished by him on the order of the commission to a person needing immediate relief without the indorsement of such person.*

COLUMBUS, OHIO, December 16, 1932.

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

GENTLEMEN:—I am in receipt of your communication which reads as follows:

"You are respectfully requested to furnish this department your written opinion upon the following:

Section 2939 of the General Code contains the following provisions:

'Upon proper cause shown, such commission may appoint a suitable person to draw, receipt for and properly expend the allowance made to any person under these provisions, after such voucher or certificate is endorsed by the person for whom such allowance is intended, for the benefit of such person, and the indigent members of his family. And no part of such allowance shall be paid to any person without such endorsement.'