

will go to the expense of development within the short time that remains, and that information indicates that there is no gas or oil in this vicinity in paying quantities, I believe that the reservation in question is only an immaterial defect and therefore I am of the opinion that this land may be purchased legally irrespective thereof. See Opinions of the Attorney General for 1927, pages 366 and 367.

In my former opinion concerning the title to this land I pointed out that the record title discloses that one John A. Watson is the owner in fee simple of an undivided one-half interest in parcel No. 2 of caption land. Because of the difficulty there would be, as previously pointed out, in establishing complete title in Messrs. Taylor by adverse possession against their record tenant in common, I suggest that a suit to quiet title be instituted in order to remove this defect.

Information furnished subsequent to the previous opinion satisfactorily shows that, out of survey No. 14896, the 50 acres recited as having been conveyed to one Robert McChesney (p. 17, abstract) do not coincide with parcel No. 2 of caption land.

The tax receipts submitted show that the taxes for 1930 have been fully paid. Of course, the 1931 taxes are now a lien upon this property.

The error which appeared in the description in the deed to the state of Ohio conveying the first parcel of caption land has been corrected, and I find that the deed to the state relating to each parcel is executed in proper form, with the release of dower, purporting to convey a fee simple title to the state with the exception of the oil, gas and mineral reservations discussed above.

The abstractor has attached to the abstract of title a new certificate, dated April 30, 1931, which indicates that nothing has occurred since the date of his last certificate, dated October 20, 1930, to alter the status of the 595 acre tract in survey No. 15901; but he makes no mention of having examined, subsequent to the last certificate, the records pertaining to parcel No. 2, comprising 50 acres in survey No. 14896.

Enclosed please find papers which you have recently submitted to me pertaining to this purchase.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3296.

APPROVAL, CONTRACTS FOR ROAD IMPROVEMENTS IN CUYAHOGA
AND MORROW COUNTIES.

COLUMBUS, OHIO, June 3, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

3297.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE
JENNINGS-LAWRENCE COMPANY OF COLUMBUS, OHIO, FOR EN-
GINEERING SERVICES AT HAWTHORNDEN FARM, CLEVELAND
STATE HOSPITAL, CLEVELAND, OHIO, AT THE EXPENDITURE
OF \$1100.00.

COLUMBUS, OHIO, June 3, 1931.

HON. JOHN MCSWEENEY, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by yourself, as Director of Public Welfare, and the Jennings-Lawrence Company, of Columbus, Ohio, for engineering services in connection with the construction of water mains at Hawthornden Farm, Cleveland State Hospital, Cleveland, Ohio. This contract calls for a total expenditure of eleven hundred dollars (\$1100.00).

You have also submitted an encumbrance estimate No. 6, which bears the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated sufficient to pay the contract price.

You have further submitted evidence showing that the Controlling Board has approved the expenditure.

Finding said contract in legal form, I hereby approve said contract and return to you all the papers submitted.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3298.

APPROVAL, BONDS OF FRANKLIN TOWNSHIP, FRANKLIN COUNTY,
OHIO—\$1,000.00.

COLUMBUS, OHIO, June 5, 1931.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

3299.

GASOLINE TAX—TOWNSHIP'S PORTION APPLICABLE FOR MAINTENANCE OF ROADS AND HIGHWAYS WITHIN TOWNSHIP EITHER BY FORCE ACCOUNT OR CONTRACT.

SYLLABUS:

Under the provisions of Section 5541-8, General Code, as amended by the 89th General Assembly, in House Bill No. 7, the funds distributed thereunder, to townships, may be used for the purpose of maintaining, as well as constructing, widening, and reconstructing the public roads and highways within such township, irrespective of whether said work is done by force account or by contract.

COLUMBUS, OHIO, June 3, 1931.

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

GENTLEMEN:—This will acknowledge receipt of your request for my opinion, which reads as follows: