

Upon examination of said abstract of title, I find that said Marcella Tripp has a good, merchantable, fee simple title to the property above described, free and clear of all encumbrances except the taxes upon said property, which were undetermined at the time said abstract was certified, but which have probably been ascertained by this time. These taxes should be paid or some adjustment with respect to them should be made before the warrant of the State for the purchase of this property is issued.

Upon examination of the warranty deed tendered by said Marcella Tripp, who is an unmarried person, I find that said deed has been properly executed and acknowledged by said grantor and that the form of said deed is such that it is effective to convey the property above described to the State of Ohio by fee simple title, free and clear of all encumbrances whatsoever. The warranty of title in said deed being unconditional and without exception the same imposes upon the grantor the obligation of paying the taxes on the said property for the year 1930, which taxes are above referred to.

Encumbrance estimate No. 786 which has been submitted to me with the other files relating to the purchase of this property, has been properly executed, and the same shows a sufficient balance in the proper appropriation account to pay the purchase price of said property which purchase price is the sum of \$640.00.

There is likewise found in the files submitted to me a copy of the certificate made by the Director of Finance under date of September 16, 1929, reciting that the Board of Control had upon said date approved the purchase of this property and released the money necessary to pay the purchase price of the same.

I am herewith returning to you with my approval, said corrected abstract of title, warranty deed, encumbrance estimate No. 786, and Controlling Board's certificate. You will also find enclosed herewith a copy of the option under which this property was purchased as well as certain other files relating to the purchase of this property.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2576.

APPROVAL, ABSTRACT OF TITLE TO LAND IN FRANKLIN TOWNSHIP,
ADAMS COUNTY, OHIO.

COLUMBUS, OHIO, November 24, 1930.

HON. CARL E. STEEB, *Secretary, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—I am lately in receipt of additional information correcting the abstract of title relating to three certain tracts of land situated in Franklin Township, Adams County, Ohio.

This property, which is owned of record by one Marcella Tripp, is more particularly described, as follows:

“FIRST TRACT—Beginning at a black oak and sourwood, corner to pre-emption claim No. 52, and corner to Lot No. 87; thence with two lines of said claim North $27\frac{1}{4}^{\circ}$ East 22 poles to a black oak; thence East 88 poles to a stone in said line, corner to a part of said Lot No. 86 deeded to Isaiah

Burns; thence with one line thereof North 44 poles to a poplar and chestnut, corner to Survey No. 15414; thence with one line thereof South 71° 18 poles to a chestnut sprout by the old road, North 42½° West 20 poles to a stake; thence North 71° West 26½ poles to a chestnut; thence North 26° West 190 poles to a stake; thence South 231 poles to a stake in the Southeast line of this tract; thence with said line South 64½° East 45 poles to the place of beginning, containing one hundred (100) acres, be the same more or less, and being a part of O. S. Y. Lot No. 86, in Franklin Township, Adams County, Ohio.

SECOND TRACT—Beginning at a stone in line of Survey No. 15874, and Southwest corner to a part of said Lot No. 91, contracted to James Dougherty; thence South 26° West 182 poles to a stake to Northwest to S. D. Newman's claim No. 63; thence with two lines thereof South 71° East 51 poles to a stake Northeast corner of said claim; thence South 26° West 133 poles to a black oak on a hillside; thence South 51° East 92 poles to a white oak in the line of Survey No. 15645; thence with one line thereof North 3° East 182 poles to a chestnut on Brush Lick; thence North 80° East 78 poles to a stone; thence North 7° East 13 poles to a white oak in Satterfield's field, and in line of Survey No. 12512; thence South 13½° West 33 poles to a white oak in a field; thence 46° West 61½ poles to a white oak; thence North 43½° East 15 poles to a stone in Carter's field; thence through same North 89° East 58.7 poles to a white oak and black oak; thence North 1½° East 62½ poles to a stone southeast corner to said Dougherty's land; thence with one line thereof South 89° West 88 poles to the beginning, containing one hundred and sixty-six (166) acres, be the same more or less, and being a part of Lot No. 91, in Franklin Township, Adams County, Ohio.

THIRD TRACT—Beginning at a white oak, corner to a part of Lot No. 96 contracted to E. Vanmeter and corner to survey No. 13255; thence with three lines thereof South 10½ poles to a white oak and sourwood in a field; thence South 45° West 35½ poles to a chestnut and dogwood; thence South 1° West 44 poles to a white oak in a field, corner to Lot No. 100; thence with one line thereof North 89° East 100 poles to a chestnut oak and hickory on the point of a ridge, corner to a part of said Lot No. 96, deeded to James Herdman; thence with one line thereof North 40° East 78 poles to a hickory and black oak in line of Survey No. 15410; thence with one line thereof North 12½° West 236 poles to a stone in line of Survey No. 14539; thence South 68° West 88 poles to a white oak and gum; thence South 23½° West 59 poles to a chestnut, corner to said tract contracted to said Vanmeter; thence with one line thereof South 48° East 106 poles to a white oak and dogwood; thence South 30° East 42 poles to two black oaks; thence South 47° West 26 poles to a dogwood and red oak; thence North 65½° West 21¼ poles to the beginning, containing one hundred and fifty-six and one-half (156½) acres, be the same more or less, and being a part of O. S. U. Lot No. 96, in Franklin Township, Adams County, Ohio."

Upon examination and consideration of said corrected abstract of title, I find that said Marcella Tripp has a good merchantable title to the above described real property, free and clear of all encumbrances except the taxes thereon for the year 1930, the amount of which is not stated in the abstract. You should of course see that some adjustment of these taxes is made before the transaction relating to the purchase of this property is closed.

Upon examination of the warranty deed tendered by said Marcella Tripp, who is an unmarried person, I find that said deed has been properly executed and acknowledged by said grantor and that the form of said deed is such that it conveys the

above described property to the State of Ohio by fee simple title, free and clear of all encumbrances whatsoever. This warrant in said deed imposes upon said Marcella Tripp the legal obligation of paying the 1930 taxes on said property above referred to.

Encumbrance Estimate No. 787, which has been submitted to me as a part of the files relating to the purchase of the above described property, has been properly executed and the same shows that there is a sufficient balance in the proper appropriation account to pay the purchase price of said property, which is the sum of \$1,901.25.

I also find in the files submitted to me a copy of a certificate executed by the Board of Control under date of November 4, 1929, in which it is recited that on said date said Board of Control approved the purchase of said property and released the money necessary to pay the purchase price of the same.

I am herewith returning to you with my approval, said abstract of title, warranty deed, encumbrance estimate No. 787 and Controlling Board's certificate. You will also find enclosed herewith a copy of the option under which this property was purchased, and certain plats of the same made by the Division of Forestry.

Respectfully,

GILBERT BETTMAN,

Attorney General.

2577.

FEDERAL FUNDS—MONEYS ALLOTTED TO STATE OF OHIO THROUGH FEDERAL VOCATIONAL ACT AND FEDERAL VOCATIONAL REHABILITATION ACT— STATE TREASURER IS CUSTODIAN—SUCH FUNDS SHOULD BE DEPOSITED IN A PUBLIC DEPOSITORY WHERE A HIGH RATE OF INTEREST MAY BE EARNED—INTEREST REVERTS TO FEDERAL AUTHORITIES.

SYLLABUS:

1. *Moneys allotted by the United States to the State of Ohio by force of the Federal Vocational Education Act, and the Federal Vocational Rehabilitation Act, are held by the Treasurer of the State of Ohio in the capacity of custodian for the State of Ohio as bailee of said funds.*

2. *The said funds should not be deposited by said custodian in the State treasury, but held by him as a separate fund subject to the order of the State Board of Vocational Education, and until paid out by said custodian upon proper warrants for the purpose for which they were intended, title thereto remains in the United States, and any interest earned on the fund during the custodianship of the State Treasurer belongs to the United States, in accordance with the decision of the Comptroller of the United States Treasury, of January 17, 1918.*

3. *The State Treasurer, as custodian of said funds, is impliedly authorized and directed to deposit said funds in a public depository, where the highest rate of interest consistent with their availability for the purposes for which they are intended, may be earned.*

4. *All interest earned on said funds when collected, should be remitted by said custodian to the proper federal authorities.*

COLUMBUS, OHIO, November 24, 1930.

HON. J. L. CLIFTON, *Director of Education, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your request for my opinion, which reads as follows: