

804.

APPROVAL, DEED FROM ARABELLA HAYES, ETC., TO CINCINNATI, LAWRENCEBURG AND AURORA ELECTRIC STREET RAILROAD COMPANY, FOR HIGHWAY PURPOSES.

COLUMBUS, OHIO, May 10, 1933.

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

DEAR SIR:—I acknowledge receipt of your letter submitting for my approval or opinion, deed from Arabella Hayes and Ezra G. Hayes, her husband, to the Cincinnati, Lawrenceburg and Aurora Electric Street Railroad Company, and asking whether or not such deed vests in such railroad company sufficient title that upon the execution of a proper instrument of conveyance such railroad company could convey a valid easement for highway purposes, to the state of Ohio.

An examination of such deed discloses, in my opinion, that upon execution of a proper instrument of conveyance to the state of Ohio by the railroad company, a valid easement for highway purposes would be conveyed.

Since you did not submit instruments of title, I express no opinion as to the conditions of the title prior to the grantees in such deed. My opinion herein is specifically limited to the fact that such deed purports to grant a fee title to the railroad company.

Respectfully,

JOHN W. BRICKER,
Attorney General.

805.

OFFICIAL SEAL—COUNTY RECORDER UNAUTHORIZED TO CHARGE FOR USE THEREOF—EXISTING STATUTES ON FEDERAL LOANS AND CROP MORTGAGES DISCUSSED.

SYLLABUS:

No charge can be made for the use of the official seal of the county recorder under existing statutes on federal loans and crop mortgages, or for any other use.

COLUMBUS, OHIO, May 10, 1933.

HON. F. MERCER PUGH, *Prosecuting Attorney, Wauseon, Ohio.*

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

“I respectfully request your opinion in regards to Section 2753, General Code, the official seal of the County Recorder. It has been customary in this county to make a charge of 50c for the use of this official seal specially on federal loans and on crop mortgages. I can find no place in the General Code where this charge is authorized.

Please let me know if there is any place in the General Code where such a charge is authorized.”