

732.

APPROVAL, CONTRACT WITH C. C. C. & ST. L. R. R. FOR CONSTRUCTION
OF SIDE TRACK AT LONDON PRISON FARM.

COLUMBUS, OHIO, August 12, 1929.

HON. H. H. GRISWOLD, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your communication under date of August 8, 1929, enclosing a proposed contract between the State of Ohio and The Cleveland, Cincinnati, Chicago and Saint Louis Railway Company, relating to the construction by said railway company of an additional side track on and in connection with the London Prison Farm land and premises.

A contract and agreement covering the above matter was submitted to this department under date of August 30, 1928, and the same was disapproved by Opinion No. 2522 of this department under date of September 1, 1928. The contract submitted at said time was disapproved more specifically for the reason that said contract provided that the State of Ohio should assume all responsibility for, and indemnify said railway company against loss of, or damage to property upon its premises, whether belonging to the State or otherwise, arising from fire caused by locomotives operated by the railroad upon said switch track, regardless of the railroad company's negligence in the operation of said locomotives. This objection has been corrected in the new contract submitted; and although there is some doubt as to your authority to bind the State with respect to some of the stipulations in Paragraph No. 10 of the contract now submitted, I do not think that upon the whole said contract is objectionable and the same is hereby approved as is evidenced by my approval endorsed upon said contract and the copy thereof.

I note that in the caption of said contract the name of your predecessor is carried as Director of the Department of Public Welfare. This of course should be changed by the substitution of your own name as such Director.

Respectfully,
GILBERT BETTMAN,
Attorney General.

733.

APPROVAL, ABSTRACT OF TITLE TO LAND OF LOUISE C. PHILLIPS, IN
CARTHAGE, CINCINNATI, HAMILTON COUNTY, OHIO.

COLUMBUS, OHIO, August 12, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—In Opinion No. 680 under date of July 26, 1929, which was written on consideration of the abstract of title, warranty deed, and other files relating to the proposed purchase of a parcel of land in Carthage, Cincinnati, Ohio, owned of record by one Louise C. Phillips, I disapproved the warranty deed tendered by the grantor at that time for the reason that the same did not set out the real consideration upon which the conveyance of the property described in said deed was to be made.

This defect in the deed has now been corrected, and finding that the same is

correctly executed and acknowledged and to be in form sufficient to convey a good and sufficient fee simple title to the State of Ohio, said deed is hereby approved.

Respectfully,

GILBERT BETTMAN,

Attorney General

734.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENTS IN
DARKE, JEFFERSON AND MUSKINGUM COUNTIES.

COLUMBUS, OHIO, August 12, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

735.

APPROVAL, ABSTRACT OF TITLE TO LAND OF HAROLD H. DEWITT
IN BRUSH CREEK AND MORGAN TOWNSHIPS, SCIOTO COUNTY,
OHIO.

COLUMBUS, OHIO, August 13, 1929.

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

DEAR SIR:—This is to acknowledge receipt of your recent communication, submitting for my examination and approval, abstract of title, warranty deed and other files relating to the proposed purchase of three certain tracts of land in Brush Creek and Morgan Townships, Scioto County, Ohio, owned of record by one Harold Herndon DeWitt, subject to the outstanding consummated dower interest of one Alice DeWitt Munday, which property is more fully described in Opinion No. 167 of this department, directed to you under date of March 7, 1929.

In the former opinion of this department, above referred to, it was found that said Harold Herndon DeWitt had a good and merchantable, fee simple title to the tracts of land therein described, subject only to the dower interest of Alice DeWitt, now Alice DeWitt Munday, and to such taxes as are a lien on said lands. At the time of the original certificate of said abstract, to-wit on September 5, 1928, it appeared that taxes in the sum of \$24.07 on tract No. 1, \$204.33 on tract No. 2, and \$199.83 on tract No. 3 had been certified as delinquent. In a certification of said abstract under date of August 9, 1929, it is certified that said tracts of land have been certified as delinquent for non-payment of taxes and that "as of September 1, 1929, the county auditor figures it will take \$23.83; \$203.18 and \$198.53 to redeem it." I take it that these figures are exclusive of the 1928 and 1929 taxes on the land.

Upon the abstract as resubmitted, I find that said Harold Herndon DeWitt has a