

200 feet to a 6 inch concrete marker; thence East 80 feet to a 6 inch marker set in the West boundary line of the aforementioned road; thence S 8° 27' E 200 feet along the said boundary line of the said County road to the place of beginning, and containing 0.46 of an acre, more or less."

Upon examination of abstract of title submitted, I find that Lucy R. Hooper has a good and merchantable fee simple title to the above described parcel of land, free and clear of all encumbrances, except the taxes for the year 1932, and except a lease for oil and gas purposes given by said Lucy R. Hooper and William Hooper, her husband, to the Ohio Fuel Gas Company under date of March 7th, 1930, by which lease there was granted to said Ohio Fuel Gas Company the right for a term of ten years to drill for gas and oil upon the above described and other lands of the lessors. This lease is apparently in full force and effect as there is nothing in the abstract to show that the same has been surrendered and cancelled; how this lease will affect the use which your department makes of this property is, of course, a matter for you to determine.

An examination of the warranty deed tendered by said Lucy R. Hooper (unmarried) shows that the same has been properly executed and acknowledged by said grantor and that the form of said deed is such that the same is effective to convey the above described property to the State of Ohio by fee simple title, with a general covenant of warranty that the title is free and clear of all encumbrances whatsoever.

Encumbrance Estimate No. 1397 has been properly executed and the same shows that there is sufficient balance in the proper appropriation account to pay the purchase price of the above described property, which purchase price is the sum of \$150.00.

It is likewise noted that the purchase of this property has been approved by the Board of Control and that said amount of money has been released for the payment of the purchase price of said property.

I am herewith returning, with my approval, said abstract of title, warranty deed, encumbrance estimate No. 1397, and controlling board certificate.

Respectfully,

GILBERT BETTMAN,
Attorney General.

4569.

MADISON HOME—ADMISSION OF WIDOWS OF VETERANS OF SPANISH-AMERICAN WAR LIMITED TO THOSE MARRIED TO VETERANS PRIOR TO JUNE 1, 1905.

SYLLABUS:

Under the provisions of Sections 1921 and 1921-1, General Code, the admission of widows of honorably discharged soldiers, sailors and marines who served in the Spanish-American War is limited to those who were married to such veterans prior to June 1, 1905.

COLUMBUS, OHIO, August 16, 1932.

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

DEAR SIR:—Your recent request for opinion, reads:

"Sections 1921 and 1921-1, G. C., of the laws governing the Madison Home read as follows:

'Sec. 1921. Subject to the provisions that preference be given to those who served in Ohio military organizations, the following persons may be admitted to the Madison homes: All honorably discharged soldiers, sailors and marines, who served the United States government in the Civil war, from eighteen hundred sixty-one to eighteen hundred sixty-five, who are citizens of Ohio, and who are not able to support themselves; their wives, to whom such soldiers, sailors, and marines were married at any time prior to June first, nineteen hundred five; their widows, to whom such soldiers, sailors and marines were married prior to June first, nineteen hundred five; and the dependent mothers of such soldiers, sailors and marines; residents of Ohio, in case of death of such soldier, sailor or marine, his surviving wife may live in and be supported by the home.' (108 v. Pt. I, 625).

'Sec. 1921-1. Subject to the provisions of (G. C.) section 1921 (,) widows or mothers of men who served in the war with Spain, or nurses who served in that war, may be admitted to the Madison Home.' H. B. 103. Eff. August 2, 1931).

We respectfully request your opinion as to whether these sections restrict admissions of widows of Spanish American War Veterans to widows who were married to such veterans prior to June 1, 1905."

It is apparent that under the terms of Section 1921, General Code, widows of honorably discharged soldiers, sailors and marines who were citizens of Ohio and served the United States during the Civil War, may be admitted to the Madison Home, provided such widows were married to such soldiers, sailors and marines prior to June 1, 1905.

Since Section 1921-1, General Code, makes applicable the provisions of Section 1921, General Code, relative to the admission to the Madison Home of widows of Civil War veterans to the admission to the home of widows of men who served in the Spanish-American War, it follows that the provisions of Section 1921, as to widows, i. e., that they must have been married to such soldiers, sailors and marines prior to June 1, 1905, would apply to the admission to the home of the widows of men who served in the Spanish-American War, namely, that they must have been married to such veterans prior to June 1, 1905.

In view of the foregoing, and in specific answer to your inquiry I am of the opinion that under the provisions of Sections 1921 and 1921-1, General Code, the admission of widows of honorably discharged soldiers, sailors and marines who served in the Spanish-American War is limited to those who were married to such veterans prior to June 1, 1905.

Respectfully,

GILBERT BETTMAN,

Attorney General.