

5.

APPROVAL—TWO CERTAIN ABSTRACTS OF TITLE TO LAND  
IN BRUSHCREEK TOWNSHIP, HIGHLAND COUNTY,  
OHIO—J. P. CLAGGETT.

COLUMBUS, OHIO, January 14, 1937.

*The Ohio State Archaeological and Historical Society, Ohio State  
Museum Building, Columbus, Ohio.*

GENTLEMEN: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval two certain abstracts of title relating respectively to an eighty-five-acre tract of land and to a fifteen-acre tract of land, both of which tracts are located in Brushcreek Township, Highland County, Ohio, and both of which are owned of record by one J. P. Claggett, as Trustee for Rockhold, Brown and Company, private bankers doing business at Bainbridge, Ohio.

Upon examination of the abstracts of title submitted, both of which cover the period of time from the year 1901 to the 24th day of September, 1936, I find that J. P. Claggett, as Trustee for Rockhold, Brown and Company, has a good and indefeasible legal title to the tracts of land above referred to, both of which are described by metes and bounds in the respective abstracts of title submitted and the warranty deed which have been tendered to your Society by said Trustee.

Under the provisions of section 710-79, General Code, all property, real or personal, owned by an unincorporated bank, shall be held in the designated name of such bank or in the name of an individual as trustee therefor and not in the name of the owner or owners of such bank. I am advised that Rockhold, Brown and Company, is an unincorporated bank and this explains the fact that the legal title to this property is held by and in the name of a trustee for the benefit of said bank. This information is material in the consideration of the question of the conveyance or conveyances necessary to vest in you the title to this property which you desire to acquire under the authority conferred upon you by section 10198-1, General Code, as amended by the act of April 13, 1933, 115 O. L., 207.

As above indicated, there has been tendered to you a warranty deed executed by J. P. Claggett, as Trustee for Rockhold, Brown and Company, bankers of Bainbridge, Ohio. This deed has been properly executed and acknowledged by said grantor. Inasmuch as the title to this property is held by said J. P. Claggett, as Trustee for the private bank above named, pursuant to express statutory authority and direction, and since,

as appears by recital in said deed, the execution of the same "is duly authorized by the Board of Directors of the said Rockhold, Brown and Company Bankers," that is, by the owners of the bank, I am inclined to the view that this deed is legally sufficient to convey a fee simple title in and to this property to The Ohio State Archaeological and Historical Society, the grantee therein named.

I am further advised in this connection that the purchase price of the property here in question is to be contributed by some individual or individuals who are interested in the acquisition of this property as an addition to Fort Hill State Park, and that no part of the purchase price of this property is to be paid for by The Ohio State Archaeological and Historical Society out of moneys appropriated by the legislature for the use of this Society. In this situation, no action by the Director of Finance or by the Controlling Board was or is necessary; since your Society is getting this property as a donation to it under the provisions of section 10198-1, General Code, above referred to.

Nothing appears in the abstracts of title as to the taxes and assessments, if any, which are unpaid and are a lien upon the property. It is sufficient to state in this connection that The Ohio State Archaeological and Historical Society taking title to this property by deed or conveyance from the Trustee above named, will take the property subject to the lien of unpaid taxes and assessments which have been certified and extended against this property. I am herewith returning with my approval the files which you submitted to me.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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6.

APPROVAL — CERTIFICATE OF INCREASE OF CAPITAL STOCK OF THE GENERAL MUTUAL LIFE INSURANCE COMPANY.

COLUMBUS, OHIO, January 14, 1937.

HON. WILLIAM J. KENNEDY, *Secretary of State, Columbus, Ohio.*

DEAR SIR: I have examined the certificate of increase of capital stock of The General Mutual Life Insurance Company which you have submitted for my approval.

Finding the same not to be inconsistent with the constitution or laws