

Therefore, in specific answer to your question, I am of the opinion that if the governor by virtue of the authority granted him in section 2 of the Ohio Recovery Act has delegated to the Department of Industrial Relations his power to investigate labor practices and conditions of employment in any trade or industry, the chief inspector of workshops and factories and district inspectors have authority to administer oaths and take affidavits in their investigation of matters under the Ohio Recovery Act.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

3231.

APPROVAL, CORRECTED ABSTRACT OF TITLE TO LAND IN GALLIPOLIS TOWNSHIP, GALLIA COUNTY, OHIO.

COLUMBUS, OHIO, September 19, 1934.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—There have been recently submitted for my examination and approval a corrected abstract of title, executor's and quit claim deeds, encumbrance record No. 3 and controlling board certificate relating to the proposed purchase by the State of Ohio of two parcels of land in Gallipolis Township, Gallia County, Ohio, said parcels containing 133 and 3 acres, respectively. These parcels of land which were owned of record by one Homer J. Ward at the time of his death on the 20th day of October, 1933, and which are being conveyed to the State of Ohio by the deed of Jennie R. Ward, as executor of the estate of Homer J. Ward, deceased, and by the quit claim deed of Jennie R. Ward, individually and as sole devisee of this property by the last will and testament of Homer J. Ward, are more particularly described by metes and bounds as follows:

Being two tracts of land situated in Section 23, of Gallipolis Township, Township 3, Range 14, in the Ohio Company's Purchase, in Gallia County, Ohio, and more particularly described as follows:

TRACT NO. ONE: Beginning at a point on the West line of 8 acre Lot No. 1150 in Gallipolis Township, said county and state, and which is 3 chains and 30 links South of the Northwest corner of said lot; thence North 7 chains and 70 links to a corner on the line between 8 acre lots Nos. 1149 and 1157; thence South  $39\frac{1}{2}^{\circ}$  East 5 chains and 84 links to the line of the Hocking Valley Railway property; thence along said railroad property South  $53\frac{3}{4}^{\circ}$  West 4 chains and 60 links to the place of beginning, containing one and thirty-three hundredths (1.33) acres. EXCEPTING a right of roadway through the above described land to the streets of Maple Shade.

TRACT NO. TWO: Beginning 4 chains and 40 links North of the Southwest corner of Eight acre lot No. 1149 in Section 23, Town No. 3, in Range No. 14, in the Ohio Company's Purchase, in the North corner of a tract of one and thirty-hundredths (1.30) acres, formerly owned by the Gallipolis Drain Tile Company; thence North  $54\frac{1}{2}^{\circ}$  E.

45 links; thence North 44 3/4° East 4 chains and 71 links; thence S. 36 1/2° East 5 chains and 96 links to the North line of the C. H. V. & T. Railway; thence with said line South 46 3/4° West 5 chains and 15 links to the Southeast corner of the one and thirty-hundredths (1.30) acre tract; thence with the line of said tract North 36 1/2° West 5 chains and 84 links to the place of beginning, containing three (3) acres.

Being the same property conveyed by the McCormick Brick and Tile Company to The Gallipolis Tile Works on November 28th, 1917, recorded in Volume 95, page 462, Deed Records of Gallia County, Ohio.

Upon examination of the corrected abstract of title of this property as the same has been certified by the abstracter, I find that Homer J. Ward at the time of his death had a good and indefeasible fee simple title to this property subject to the lien of a mortgage executed by Homer J. Ward and his wife, Jennie R. Ward, to The Ohio Valley Bank Company under date of January 5, 1931, which mortgage covered the property here in question, as well as other real property then owned by Homer J. Ward, all of which is pointed out in my communication to you under date of July 25, 1934, wherein this mortgage is noted as an exception to the title to this property. Since the date of my former communication to you with respect to this matter, there has been submitted to me a release instrument in proper form executed by The Ohio Valley Bank Company, by the hands of its president and cashier, pursuant to the authority of a resolution of the board of directors of said bank, releasing from the operation and lien of the mortgage above referred to the two tracts of land here in question.

As pointed out in my former communication to you, above referred to, the abstract of title does not show any determination of the inheritance taxes, if any, to be paid by Jennie R. Ward, as the sole devisee of the property and estate of Homer J. Ward by his last will and testament. As to this, I am advised by further information from the abstracter that no determination with respect to such inheritance taxes has yet been made. In this connection, however, I am further advised by him that the indebtedness of the estate of Homer J. Ward is such that there will not be sufficient property and assets of the estate over and above the exemption allowed to Jennie R. Ward, as the widow and devisee of said estate, to require the payment of any inheritance taxes upon the succession of this estate.

Upon examination of the last will and testament of Homer J. Ward, deceased, I am inclined to the view, as found by the court in its entry of the declaratory judgment, a copy of which has been incorporated in the abstract, that Jennie R. Ward, as executor under the last will and testament of Homer J. Ward, is authorized to execute the executor's deed, above referred to, conveying this property to the State of Ohio. In this connection, it may be noted that in order to correct an error in the title arising out of an erroneous description of the property in the deed by which Homer J. Ward obtained title to the same, Jennie R. Ward individually has tendered to the state a quit claim deed to these tracts of land as suggested by me in my former communication to you, above noted, by which deed Jennie R. Ward has passed on to the state by correct description the title which she obtained from the grantors who, in the first instance, had conveyed this property to Homer J. Ward.

I am of the opinion, as above indicated, from my examination of the corrected abstract of title and of the deeds submitted to me, that such deeds will be effective to convey a good merchantable title to this property to the State of

Ohio. And in this connection, it may be noted that an examination of these deeds shows that said deeds have been properly executed and acknowledged.

The abstract of title as of the date of the certification thereof shows that this property is subject to the lien of the taxes on the property for the last half of the year 1933, amounting to the sum of \$6.19, as well as to the taxes for the year 1934, the amount of which at the time of the certification of the abstract was undetermined.

Upon examination of encumbrance record No. 3, which has been submitted to me as a part of the files relating to the purchase of this property, I find that the same has been properly executed and that there is shown thereby a sufficient unencumbered balance in the proper appropriation account to pay the purchase price of this property, which purchase price is the sum of one thousand dollars. It further appears from a certificate over the signature of the Director of Finance, as the President of the Controlling Board, that the Controlling Board has approved the purchase of this property and has released from the appropriation account the amount of money necessary to pay the purchase price thereof.

Enclosed with the files above referred to relating to the purchase of this property, I find voucher No. 481 covering the purchase price of the property. The same is herewith returned to you, together with the other files above referred to.

Respectfully,

JOHN W. BRICKER,

*Attorney General.*

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3232.

APPROVAL—RESERVOIR LAND LEASE FOR THE RIGHT TO OCCUPY  
AND USE FOR COTTAGE SITE AND DOCKLANDING PURPOSES—  
LAND IN MINNEWAUKEN ISLAND IN INDIAN LAKE—H. S. PULSE.

COLUMBUS, OHIO, September 20, 1934.

HON. EARL H. HANEFELD, *Director, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of a recent communication over the signature of the Chief of the Bureau of Inland Lakes and Parks of the Division of Conservation in your department, submitting for my examination and approval a reservoir land lease, in triplicate, executed by the Conservation Commissioner, under the authority of section 471, General Code, to one H. S. Pulse of Lynchburg, Ohio.

This lease, which is one for a stated term of fifteen years, and which provides for an annual rental of \$27.00, payable semi-annually, grants and demises to the lessee above named the right to occupy and use for cottage site and dock-landing purposes only, the whole of Lot No. 54, of the allotment of lands in Minnewauken Island in Indian Lake, and being part of the Virginia Military Survey No. 12276.

Upon examination of this lease, I find that the same has been properly executed by the Conservation Commissioner and by H. S. Pulse, the lessee therein named.

I further find upon examination of the provisions of this lease and of the conditions and restrictions therein contained, that the same are in conformity with