

3723.

APPROVAL, BONDS OF ANTWERP RURAL SCHOOL DISTRICT,
PAULDING COUNTY, OHIO, \$7,623.05.

COLUMBUS, OHIO, December 29, 1934.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

3724.

APPROVAL, BONDS OF WILMOT VILLAGE SCHOOL DISTRICT, STARK
COUNTY, OHIO, \$1,239.35.

COLUMBUS, OHIO, December 29, 1934.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

3725.

APPROVAL, BONDS OF VILLAGE OF MOGADORE, PORTAGE COUNTY,
OHIO, \$1,800.00.

COLUMBUS, OHIO, December 29, 1934.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

3726.

APPROVAL, WARRANTY DEED TO THE STATE OF OHIO OF
LANDS IN WILLIAMSFIELD, ANDOVER AND RICHMOND
TOWNSHIPS, ASHTABULA COUNTY, OHIO, EXECUTED BY
THE PYMATUNING LAND COMPANY.

COLUMBUS, OHIO, December 31, 1934.

HON. WILLIAM H. REINHART, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication submitting for my examination and approval a warranty deed executed by the Pymatuning Land Company, a corporation organized under the laws of Ohio, by which there is conveyed to the state of Ohio about 5,018 acres of land in Williamsfield, Andover and Richmond Townships, Ashtabula County, Ohio, which land will be submerged in whole or in part by the water impounded by the Pymatuning dam which has been constructed across the Shenango River in Crawford County, Pennsylvania. This deed and a conveyance of land thereby

effected was formerly accepted by the Conservation Council of the Division of Conservation by a resolution duly adopted by said body on the 17th day of December, 1934, which action on the part of the Conservation Council is authenticated by your official signature upon the deed and as of said date.

As stated in the deed above referred to, these lands are being acquired by the state of Ohio for the purpose and to the end that such lands and the waters inundating and submerging a part or all of the same may be owned, maintained and used by the state of Ohio, through the Conservation Council of the Division of Conservation or other authorized agency of the state of Ohio, as a public recreation park and, subject to rules prescribed by law and the lawful orders of the Conservation Council or other authorized agency of the state of Ohio, as public hunting and fishing grounds.

The acquisition of these lands by way of gift or donation from the Pymatuning Land Company for the purposes above stated has been in contemplation by you and by the Conservation Council for some time and in this connection it is noted that in an opinion directed to the Superintendent of Public Works under date of December 28, 1932, O. A. G., 1932, Volume III, page 1425, it was held that the state of Ohio could lawfully accept a deed of conveyance from the Pymatuning Land Company for the lands here in question, subject to the easement or right of the Commonwealth of Pennsylvania to submerge these lands or a part of the same in connection with the construction of the Pymatuning dam across the Shenango River; and that subject to the approval of the Attorney General, the Conservation Council was authorized to accept a conveyance of these lands on behalf of the state of Ohio, for the purposes above stated.

As set out in the warranty deed conveying this property to the state of Ohio the conveyance to the State is subject to certain conditions and restrictions incorporated in the deed for the primary purpose of conserving the flow of the water in the Shenango and Beaver Rivers which rivers will be fed by the water impounded in the reservoir by the dam above referred to. In view of the provisions of Section 18, General Code, and of those of Sections 472 and 1435-1, General Code, all of which were discussed in the former opinion of this office above noted, I do not see that any exceptions on legal grounds can be taken to this need by reason of the conditions therein contained; and inasmuch as the Conservation Council, acting on behalf of the state of Ohio under the authority of the statutory provisions above noted, has accepted this deed of conveyance I am likewise approving the same as is evidenced by my signature endorsed thereon.

An investigation of the title of the Pymatuning Land Company in and to the lands here in question has required an examination of a large number of abstracts of title covering the several tracts or parcels included within and making up the lands conveyed by this deed and the conclusions reached by me with respect to the title to these several parcels of land have been set out in separate opinions addressed to you. The abstracts of title and other files will be turned over to the Auditor of State.

Although, as above noted, the lands here in question are coming to the state of Ohio by donation or gift from the Pymatuning Land Company, the State acting through the Conservation Council and through you as Conservation Commissioner has contracted with the Pymatuning Land Company to pay said company the sum of \$5000.00 for a number of buildings which are on these lands which buildings will be used by the state of Ohio in connection

with the use of these lands and the waters thereon as a public park and reservoir. Relating to the purchase of these buildings you have submitted to me a contract encumbrance record No. 27 executed by the Superintendent of Public Works as director of said department and by the responsible heads of the Division of Conservation. This contract encumbrance record has likewise been signed by the Director of Finance and the same shows a sufficient unencumbered balance in the proper appropriation account to the credit of the Conservation Division of the Department of Agriculture to pay the purchase price of said buildings which purchase price, as above noted, is the sum of \$5000.00. It appears further from said contract encumbrance record as well as from other evidence at hand that the purchase of these buildings for the price stated has been approved by the Controlling Board and that said board has released from the appropriation account the money necessary to cover the purchase price of the buildings, in the amount above stated. The purchase of these buildings is, therefore, approved by me and you are requested to issue the voucher of your department to the end that a warrant may be drawn for the amount of said encumbrance, payable to the Pymatuning Land Company as the purchase price of these buildings. I am herewith enclosing said contract encumbrance record No. 27.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

3727.

PROBATE JUDGE—PAULDING COUNTY ELECTION NOVEMBER
 6, 1934, FOR FULL FOUR YEAR TERM.

SYLLABUS:

The election for the office of probate judge held on November 6, 1934, in Paulding County was for a full term of four years.

COLUMBUS, OHIO, December 31, 1934.

HON. GEORGE S. MYERS, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—I acknowledge receipt of your communication which reads as follows:

“Will you please advise me as to the official status of the term of office of the present Probate Judge, elected on November 6, 1934, in Paulding County?”

We are setting forth quite fully matters which we believe will furnish you full information relative to this matter.

In the November election of 1924, the proposal to combine the Probate Court with the Common Pleas Court of Paulding County, was submitted to the electors and the two courts were thus combined. At the same election a Probate Judge was elected and a commission