

Section 267 of the General Code, which relates to recording of the evidence of title to lands acquired by the state, provides:

"The evidence of title of lands other than public lands, belonging to or hereafter acquired by the state, shall be recorded in the office of the recorder of the counties in which they are situated, and when so recorded such evidence of title shall be deposited with the auditor of state and kept in his office. He shall make an abstract of the title of all lands acquired by the state in a book prepared for that purpose and open for inspection by all persons interested."

While the above section is mandatory as to the recording of a deed to lands acquired by the state in the office of the recorder where such lands are situated, it does not contemplate such action until there has been a proper delivery of the deed to the state. It will readily be observed that until there has been a proper delivery and acceptance, no title has passed, and the lands do not belong to the State.

It certainly would be good business practice to require payment before making delivery of the deed. While such deeds are usually submitted for the examination of the Attorney-General, it is always understood, either expressly or by implication, that the same is not to be delivered until such time as the state has made payment to the grantor.

In view of the foregoing, you are advised that the state should not require a deed to be recorded until such time as payment has been made by the state for the purchase price of the land.

Respectfully,
C. C. CRABBE,
Attorney-General

3661.

DISAPPROVAL, BONDS OF HARRISONVILLE RURAL SCHOOL DISTRICT,
MEIGS COUNTY, \$2,000.00.

COLUMBUS, OHIO, September 24, 1926.

Re: Bonds of Harrisonville Rural School District, Meigs County, \$2,000.00.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—The foregoing bonds are issued under the provisions of section 7629 of the General Code. This section provides as follows:

"The board of education, of any school district may issue bonds to obtain or improve public school property, and in anticipation of income from taxes for such purposes, levied or to be levied, from time to time, as occasion requires, may issue and sell bonds, under the restrictions and bearing a rate of interest specified in sections seventy-six hundred and twenty-six and seventy-six hundred and twenty-seven. The board shall pay such bonds and the interest thereon when due, but provide that no greater amount of bonds be issued in any year than would equal the aggregate of a tax at the rate of two mills, for the year next preceding such issue. The order to issue bonds shall be made only at a regular meeting of the board and by a vote of two-thirds of its full membership, taken by yeas and nays and entered upon its journal."

The financial statement as shown by the transcript recites that the tax valuation of the school district amounts to \$224,000.00. It will therefore be observed that in applying the provisions of the foregoing statute of two mills to the tax valuation of the district would only permit an issue of \$448.00. The issue in the sum of \$2,000.00 under the provisions of this law cannot be approved in excess of the amount of \$448.00, and you are advised that said bonds will not constitute legal and valid obligations of the district for the excess amount and you are therefore advised not to accept said bonds.

Respectfully,
C. C. CRABBE
Attorney-General.

3662.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE KERSCHER ELEVATOR COMPANY, TOLEDO, OHIO, COVERING CONTRACT FOR FURNISHING AND INSTALLING ELEVATOR IN STACK ROOM OF RECITATION AND LIBRARY BUILDING, BOWLING GREEN STATE NORMAL SCHOOL, BOWLING GREEN, OHIO, AT EXPENDITURE OF \$3,350.00. SURETY BOND EXECUTED BY THE UNITED STATES FIDELITY & GUARANTY COMPANY.

COLUMBUS, OHIO, September 28, 1926.

HON. G. F. SCHLESINGER, *Director of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Highways and Public Works, for and on behalf of the Board of Trustees of Bowling Green State Normal School, and The Kerschler Elevator Company, of Toledo, Ohio. This contract covers the Contract and Furnishing and Installing an elevator in the stack room of Recitation and Library Building, Library Equipment, New Library Building, Bowling Green State Normal School, Bowling Green, Ohio, and calls for an expenditure of \$3,350.00.

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. There has further been submitted a contract bond upon which the United States Fidelity and Guaranty Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,
C. C. CRABBE,
Attorney-General.