

In view of the constitutional prohibition against the expenditure of moneys from the township treasury except when the same is authorized by law, and since no authority has been given to a township to support a band, I am of the opinion that a board of township trustees may not contribute toward the support of a band supported by a village located in the township.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

---

4823.

APPROVAL, BONDS OF WICKLIFFE VILLAGE SCHOOL DISTRICT,  
LAKE COUNTY, OHIO, \$5,000.00.

COLUMBUS, OHIO, December 16, 1932.

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

---

4824.

APPROVAL, BONDS OF MASSILLON CITY SCHOOL DISTRICT,  
STARK COUNTY, OHIO, \$12,000.00.

COLUMBUS, OHIO, December 16, 1932.

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

---

4825.

APPROVAL, CONDITIONALLY, ABSTRACT OF TITLE TO LAND OF  
EVERETT LEE, IN HARRISON TOWNSHIP, HENRY COUNTY,  
OHIO.

COLUMBUS, OHIO, December 16, 1932.

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

DEAR SIR:—There have been submitted for my examination and approval an abstract of title, warranty deed and encumbrance record No. 50 relating to a certain tract of land consisting of 3.16 acres, more or less, in Harrison Township, Henry County, Ohio, and being a part of the north fractional part of the west half of the southeast quarter of Section 9, more particularly described as follows:

Beginning at the point of intersection of the center line of I. C. H. No. 457 (U. S. Highway No. 24), and the north and south half section line of Section 9, Township 5 North, Range 7 East, Harrison Township, Henry County, Ohio; said point being 1872 feet northerly as measured along the said half section line from the south line of said section 9; thence N. 2 degrees 09' East along said half section line, 103 feet to

the low water mark of the Maumee River; thence along the low water line of the Maumee River, N. 69 degrees 39' East, 504.5' to a point; thence N. 63 degrees 55' East, 840.7 feet to a point in the east line of the Everett Lee property; thence S. 2 degrees 30' west along the said east line of the Everett Lee property, 108.2 feet to the center line of said I. C. H. No. 457 (U. S. Highway No. 24); thence along the center line of said highway, S. 62 degrees 15' West, 352.7' to a point; thence along the arc of a 1 degree 30' curve (radius 3819.38') to the right 335.3 feet to a point; thence S. 67 degrees 17' W., 294.4 feet to a point; thence along the arc of a 2 degree 00' curve (radius 2864.93 feet) to the right, 283.3 feet to a point; thence S. 72 degrees 57' W., 72.6 feet to the place of beginning and containing 3.16 acres of land, more or less.

Upon examination of this abstract of title, which is certified by the abstractor under date of November 9, 1932, I find that Everett Lee has the record title thereto, free and clear save and except certain taxes and assessments, and the following defect in title:

The Everett Lee land from which this 3.16-acre tract is carved contains 70 acres. Against the entire 70 acres the regular taxes and assessments payable for the first half of 1931, plus some delinquencies and penalties, have been lumped by the abstractor in one sum amounting to \$250.01.

The taxes and assessments for the last half of the year 1931 are also stated to be \$75.46. The taxes and assessments for the year 1932, the amount of which was not ascertainable on the date of the abstractor's certificate, are unpaid and a lien.

In view of the fact that the deed which Everett Lee has executed to the State of Ohio for the tract under consideration transfers the property free and clear from all encumbrances, accompanied by a warranty of title, will, if the taxes are paid on the entire tract, obviate the necessity of allocating any part of the taxes to the tract being purchased by the State. In the event the grantor is not able to pay the taxes, now a lien, at the time the deal is completed, the allocation will have to be made and so much thereof as has been allocated to the 3.16 acre tract will have to be paid up to and including the 1932 taxes, which, as said above, are now a lien.

The warranty deed tendered by Everett Lee has been properly executed by him and his wife, Thelma E. Lee, who releases her dower right, and by both of them properly acknowledged in proper form. In respect of the form of the deed, you will notice in the description of the land to be conveyed in the lines checked and at the points marked with an "X", a character representing either feet or minutes has been used. More than likely it is intended that the characters represent the term "feet"; but this is bad form for a deed and the deed must be corrected to express the true intention of the grantor. If feet is meant, "feet" should be written.

The form of the deed is such that, if this 3.16-acre tract is a part of the 70 acres standing in the name of Everett Lee as described at page 32 of the abstract, it is sufficient to convey the first above described tract to the State of Ohio by fee simple title, free and clear from the wife's dower right and the encumbrances of the taxes and assessments. A careful check should be made to ascertain whether this smaller tract is included within the larger tract now owned by Everett Lee.

Encumbrance Record No. 50 has been properly executed and approved and the same shows there is a sufficient balance in the proper appropriation account to pay the purchase price which is stated to be \$280.00. It likewise appears from a recital contained in the encumbrance record that the money necessary to pay the purchase price of the above described property has been released for the purpose by the Control Board. The taxes and assessments now a lien must be taken care of before the abstract can be approved.

The documents handed to me as first above enumerated are herewith returned.

Respectfully,

GILBERT BETTMAN,

*Attorney General.*

4826.

### TRUSTEES OF FIREMEN'S INDEMNITY FUND—HOW ELECTED.

#### SYLLABUS:

1. *The adoption in an act of the legislature of the whole or a portion of another act or statute by specific reference, adopts the law as existing at the time of the adoption and does not include subsequent amendments of the statute or act so adopted unless by express or strongly implied intent.*

2. *Where, however, the adopting statute makes no reference to any particular act or statute by its title or otherwise, but refers to the general law regulating the subject in hand, the reference will be regarded as including not only the law in force at the time of the adopting act but also the law in force when action is taken or proceedings are resorted to.*

3. *The personnel of a board of trustees of a firemen's indemnity fund, as authorized by Section 4647-2, General Code, and the manner of electing said board should be as provided in Sections 4601, 4602 and 4603, of the General Code, as those sections existed at the time of the enactment of Section 4647-2, of the General Code.*

COLUMBUS, OHIO, December 17, 1932.

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

GENTLEMEN:—This will acknowledge receipt of your request for my opinion, which reads as follows:

“Section 4647-2 G. C., reads as follows:

‘In all municipalities coming within the provisions of this act, there shall be created a board of trustees to be known as “Trustees of Firemen’s Indemnity Fund,” which board shall consist of the director of public safety in municipalities having such officer, and the chief of the fire department in all other municipalities, who shall be the presiding officer of such board; and five other persons, members of the fire department, therein, who shall be elected and serve as provided in sections 4601, 4602, 4603, of the General Code herein. The board shall elect its secretary from any of its own members.’

At the time of the enactment of this section of the code, section 4601 provided for the election of five trustees from members of the fire