

Upon examination, the bond of George D. Bayne, above mentioned, has been found to be in proper legal form, and accordingly, my approval has been noted thereon.

The bond of H. L. Hubbell, above mentioned, is being returned without my approval, for the reason that evidence has not been submitted sufficient to disclose that the persons undertaking to execute said bond on behalf of the surety company, are authorized to do so. A purported certificate is attached, showing authority of H. C. Hinds and N. L. Shields to execute said bond, but the same has not been signed by any of the officers of the company. This, of course, is an inadvertence, but the bond is of no consequence unless the agent has authority to bind the surety.

The bond of Charles L. Sawyer, above mentioned, is being returned without approval, for the reason that the power of attorney submitted does not disclose that the parties executing the bond on behalf of the surety company are authorized to execute this character of bond. The power of attorney submitted would authorize such parties to execute the bond, provided there is attached to the bond a written authorization in the form of a letter or telegram signed by an executive officer of the Federal Surety Company or by the general agent thereof. However, no such letter or telegram is attached. Your attention is directed to the fact that this bond was disapproved for the same reason in Opinion No. 555, issued to you under date of June 25, 1929; also said bond was further disapproved in Opinion No. 611 issued to you under date of July 12, 1929, for the same reasons as above stated.

All of said bonds are being returned herewith.

Respectfully,

GILBERT BETTMAN,

Attorney General.

760.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF JOURNEY ANDERSON AND ZEPHYR ANDERSON IN THE CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, August 17, 1929.

HON. CARL E. STEEB, *Business Manager, Board of Trustees, Ohio State University, Columbus, Ohio.*

DEAR SIR:—There has been submitted for my examination and approval abstract of title and encumbrance estimate No. 5628 relating to the proposed purchase of a certain parcel of real property situated in the city of Columbus, Franklin County, Ohio, and

Being Lot Number 7 of Critchfield and Warden's Subdivision of the south half of the north half of Lot Number 278 of R. P. Woodruff's Agricultural College addition to city of Columbus, Ohio, P. B. 4, page 234, bounded and described as follows:

Beginning at a point where the center line of Frambes avenue crosses the west line of Doe alley; thence north along the west line of said alley to the center of Poe alley; thence west on a line parallel with the north line of said addition to the center of Olentangy river; thence southerly down the center of said river to a point where the center line of Frambes avenue if extended would intersect the center of said river; thence east on a line parallel with the north line of said addition to the place of beginning.

An examination of the abstract of title submitted shows that Journey Anderson and Zephyr Anderson, as tenants in common, have a good and indefeasible fee simple title to the above described lot, subject to the following exceptions:

1. On November 17, 1924, the said Journey Anderson and Zephyr Anderson executed to the Dollar Building & Loan Company a mortgage on the above described premises for the sum of \$600.00. This mortgage is not satisfied of record and the same to the amount unpaid thereon is a lien on said premises.

2. The undetermined taxes for the year 1929 on said lot are unpaid and are a lien. Encumbrance estimate No. 5628 relating to the purchase of the above described lot has been properly signed, and the same show that there are sufficient balances in the proper appropriation account to pay the purchase price of said property.

From the certificate of the Controlling Board on file in the office of the Director of Finance, I am advised that of the appropriation in the sum of \$55,000.00, under the heading "Additions and Betterments-Lands" made to the Ohio State University by House Bill No. 510, the sum of \$25,000.00, including the purchase price of the lot here under investigation, has been released by the Board of Control.

No warranty deed of said Journey Anderson and Zephyr Anderson conveying this property to the State of Ohio was submitted with the abstract of title and other files above referred to. This deed should, of course, be prepared and submitted to this department for approval before the transaction relating to the purchase of this property is closed.

I am herewith returning to you said abstract of title and encumbrance estimate.

Respectfully,

GILBERT BETTMAN,
Attorney General.

761.

MEMBER OF GENERAL ASSEMBLY—MAY BE CURATOR OF MEMORIAL BUILDING AT CAMPUS MARTIUS.

SYLLABUS:

A member of the present General Assembly may be legally employed as curator of the memorial building at Campus Martius and receive compensation for such employment without affecting his status as a legislator.

COLUMBUS, OHIO, August 19, 1929.

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

GENTLEMEN:— Your recent communication reads as follows:

"You are respectfully requested to render this department your written opinion upon the following:

The Legislature in House Bill No. 506, 111 O. L., 109, made an appropriation of \$35,000 for the purpose of paying the cost of the erection of a suitable memorial building to commemorate the founding of Marietta and since that time appropriations have been made for the care and custody of this building, which includes or houses a museum.

May a person who is a member of the Legislature be legally employed as curator of such museum and receive his compensation out of the state treasury under such appropriation?"