

of money to be used for the payment of hospital bills for the county's care of crippled children. However, irrespective of the action of the budget commission, the amount used for such purposes would of necessity have to be appropriated under the provisions of Section 5625-29 of the General Code as amended by the 88th General Assembly in 113 O. L. 675.

In reference to your third inquiry, it is suggested that when a separate fund is once established with approval of the Bureau, no transfer may be made to any other fund unless such transfers come within the provisions of Section 5625-13 of the General Code as amended by the 88th General Assembly in 113 O. L. 673. After an examination of said section, it is believed that it would not authorize a transfer from said fund when once established for the purpose of paying the expenses for the care of crippled children.

In view of the foregoing and in specific reply to your inquiry, it is my opinion that:

1. Such hospital bills as are properly chargeable against a county for indigent crippled children committed to the state department of public welfare, are properly paid from the general county fund.

2. The county authorities may recommend to the county budget commission that a definite amount of money be included in the budget for the payment of hospital bills for the county's indigent crippled children. However, the action of the budget commission is not final and any funds set aside for such purposes must be appropriated by the county commissioners.

3. With the approval of the Bureau of Inspection and Supervision of Public Offices, the county authorities may establish a fund designated as "crippled children appropriation" from which no other bills may be paid.

The conclusions that I have reached herein are in substance the same as those which you reached in the opinion, the copy of which you were kind enough to enclose.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1357.

APPROVAL, BONDS OF HOAGLIN-JACKSON RURAL SCHOOL DISTRICT,
VAN WERT COUNTY—\$122,000.00.

COLUMBUS, OHIO, January 2, 1930.

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

1358.

APPROVAL, ABSTRACT OF TITLE TO LAND OF CHARLES H. MAY IN
THE CITY OF PIQUA, MIAMI COUNTY, OHIO.

COLUMBUS, OHIO, January 2, 1930.

HON. A. W. REYNOLDS, *Adjutant General, Columbus, Ohio.*

DEAR SIR:—You have resubmitted for my examination an abstract of title and warranty deed pertaining to in-lots 5009 to 5015, inclusive, situated in Charles H. May's Addition to the city of Piqua, in Washington Township, Miami County, Ohio.

You further advise that said property is to be exchanged, under the terms of House Bill No. 122, 113 O. L. p. 122, for an armory site in the city of Piqua, now owned by the State of Ohio, which is more particularly described as follows:

"Situate in the city of Piqua, county of Miami, state of Ohio, and being lots numbered six hundred and twenty-one (621) and three thousand eight hundred and eighty-one (3,881) on the plat of the city of Piqua."

You also request that I draw a deed of conveyance for the latter property from the State of Ohio to Charles H. May.

Since receiving my Opinion No. 1210, dated November 20, 1929, you have caused the abstract to be extended under date of November 21, 1929, by the Abstractors, H. E. Green and Son, and they now certify under said date that "Chas. H. Hay" is the owner of the lands in question, but this is presumably a typographical error, as the chain of title shows it to rest in Chas. H. May. This error, appearing on page 91 of the abstract, should be corrected.

I am of the opinion that the abstract of title, corrected as above outlined, will show that Chas. H. May, the owner of record of said premises, has a good and merchantable fee simple title to the same, free and clear of all encumbrances except taxes for the year 1929 and any special assessments which may be due.

The warranty deed from Chas. H. May to the State of Ohio is in proper legal form, is duly signed, acknowledged and witnessed, and conveys all the title and estate of Chas. H. May in said premises to the State of Ohio.

I am enclosing herewith a deed form as requested, and am returning the documents submitted by you.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1359.

APPROVAL, DEED TO LAND OF STATE OF OHIO IN CITY OF TOLEDO,
LUCAS COUNTY, TO BE SOLD TO THE CITY OF TOLEDO.

COLUMBUS, OHIO, January 2, 1930.

HON. H. H. GRISWOLD, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—Acknowledgment is made of your communication under date of December 28, 1929, enclosing correspondence between your department and the city of Toledo, relative to the sale of one-half acre of land belonging to the state, for the sum of thirty-five hundred dollars (\$3,500.00), to the city of Toledo, to be used by said city for the sole purpose of constructing, maintaining and operating a fire station.

Under the terms of House Bill No. 180, as enacted by the eighty-eighth General Assembly (113 O. L. 493), the governor is authorized to execute a deed to the city of Toledo, conveying the premises therein described upon the conditions stated in the last paragraph thereof, which reads:

"Provided, however, that such deed shall contain a restriction that the property so conveyed shall be used by the city of Toledo for the construction, maintenance and operation of a fire station and for no other purpose, and that in case the property so conveyed is not used for the purpose aforesaid