

3690.

APPROVAL, ABSTRACT OF TITLE, WARRANTY DEED, CONTRACT ENCUMBRANCE RECORD NO. 11 AND CONTROLLING BOARD CERTIFICATE RELATING TO THE PROPOSED PURCHASE OF LAND IN ASHLAND COUNTY—WILLIS COUNTRYMAN.

COLUMBUS, OHIO, December 24, 1934.

HON. CARL E. STEEB, *Secretary, Board of Control, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval an abstract of title, warranty deed, contract encumbrance record No. 11 and Controlling Board certificate relating to the proposed purchase by the State of Ohio of a tract of land in Hanover Township, Ashland County, Ohio, which is owned of record by one Willis Countryman, and which is more particularly described as being the southeast quarter of the northwest quarter of Section No. 7, Township 19, and Range 16 in said county, and containing 47.60½ acres of land.

Upon examination of the abstract of title submitted, I find that said Willis Countryman has a good and indefeasible fee simple title to the above described tract of land and that the same is free and clear of all encumbrances except the undetermined taxes on the property for the year 1934 and except a right of way easement granted by the immediate predecessors in title to this property to the Logan Natural Gas and Fuel Company, under date of October 4, 1920. By this easement, the company above named and its successors and assigns were granted the right to lay, maintain and operate a pipe line in, over and through the lands here in question. By successive assignments this easement is now owned and held by the Ohio Fuel Company. This easement is, of course, an encumbrance upon the property. Subject to the exceptions above noted, the title of Willis Countryman in and to the property above described is hereby approved, as is the abstract of title submitted.

The warranty deed tendered by Willis Countryman has been properly executed and acknowledged by him and by his wife, Iva Countryman, who thereby expressly releases her right in expectancy of dower in this property. The form of this deed is such that it is legally sufficient to convey this property to the State of Ohio by full fee simple title with a general warranty that the same is free from all encumbrances whatsoever.

Contract encumbrance record No. 11, which has been submitted as a part of the files relating to the proposed purchase of this tract of land, has been properly executed and the same shows a sufficient unencumbered balance in the proper appropriation account to the credit of the Ohio Agricultural Experiment Station to pay the purchase price of this property which is the sum of one thousand dollars. It further appears from a certificate over the signature of the President of the Controlling Board that said Board on March 5, 1934, approved the purchase of this property and released from the appropriation account the amount necessary to pay the purchase price of this property in the amount above named.

I am herewith returning to you with my approval the abstract of title, warranty deed, encumbrance record No. 11, Controlling Board certificate, and likewise a copy of the option that was taken by your Department on this land.

Respectfully,

JOHN W. BRICKER,
Attorney General.

3691.

DOG TRAP—COUNTY COMMISSIONERS UNAUTHORIZED TO PURCHASE AND PAY FOR SAME FROM GENERAL FUND OF COUNTY.

SYLLABUS:

Section 5652-8 of the General Code does not authorize county commissioners to purchase dog traps and pay for the same out of the General Fund of the County.

COLUMBUS, OHIO, December 24, 1934.

HON. T. DONALD SHORT, *Prosecuting Attorney, Celina, Ohio.*

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

“A farmer of this county has invented a dog trap and he wishes to sell some of them to the county. The Dog and Kennel Fund is depleted and if any traps are purchased it would be necessary to pay for them out of the general fund.

Is there any authority for the county commissioners to purchase dog traps and pay for them out of the general fund?”

Section 5652-8, General Code, reads in part as follows:

“County commissioners shall provide nets and other suitable devices for the taking of dogs in a humane manner, and except as hereinafter provided, also provide a suitable place for impounding dogs, and making proper provision for feeding and caring for the same, and shall also provide humane devices and methods for destroying dogs. * * *”

Sections 5652-12 and 5652-13, General Code, provide for the establishment of a fund, for the purpose of paying all necessary expenses of administering the sections of the General Code (sections 5652, et seq.), relating to the registration, licensing, seizing, impounding and destroying of dogs, and paying compensation for injuries to live stock inflicted by dogs. Said sections read:

Section 5652-12.

“All funds received by the dog warden or pound keeper in connection with the administration of this act shall be deposited in the county treasury and placed to the credit of the dog and kennel fund.”