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APPROVAL—ABSTRACT OF TITLE, WARRANTY DEED, ETC., VIRGINIA MILITARY LANDS IN SCIOTO COUNTY, OHIO—EMMA LETTIE BAGWELL AND ANNIE REBECCA PERKINSON.

COLUMBUS, OHIO, March 16, 1937.

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

DEAR SIR: You recently submitted for my examination and approval an abstract of title, warranty deed, contract encumbrance record No. 38 and other files relating to the proposed purchase by the Board of Control of the Ohio Agricultural Experiment Station under the provisions of House Bill No. 571 (Sec. 1173-2, G. C.) of a tract of land which is owned of record by Emma Lettie Bagwell and Annie Rebecca Perkinson in Survey No. 15830 and 15830-15836 in the Virginia Military Survey in Scioto County, Ohio, and which is further described as:

Situate in Union Township, county, district and state last aforesaid: Being one hundred acres of land, a part of a tract of 444.65 acres, more or less sold and conveyed to Amanda Prall by one Jessie Winget by one Theodore A. Wagner by deed dated February 11, 1892, and recorded in Deed Book No. 50, page 524, Scioto County, Ohio, Records of Deeds—the said one hundred acres being more particularly bounded and described as follows: Bounded on the south line of the 444.65 acres tract conveyed as aforesaid to Jessie Winget, on the west by the east line of a 50 acre tract reserved off the west side of a certain 494.65 acre tract (thus leaving the above 444.65 acre tract); on the east by the center line of the Tempevale Free Turnpike road (so called); and on the north by a line drawn parallel with the north line of said 444.65 acre tract and north so far distant from the first boundary line herein described as shall contain within the boundary lines one hundred acres of land.

The above described tract of land which contains 101.061 acres of land was recently surveyed by engineers in the Forestry Division of the Ohio Agricultural Experiment Station and a further description of this tract of land by metes and bounds in accordance with the survey thus made is likewise set out in the warranty deed hereinafter referred to.

Upon examination of the abstract of title submitted to me, I find that said Emma Lettie Bagwell and Annie Rebecca Perkinson have a good and indefeasible fee simple title in and to the tract of land above referred to which, as noted, is more fully described in the deed which has been tendered to the state. I further find from this abstract of title which is certified by the abstracter under date of December 19, 1936, that Emma Lettie Bagwell and Annie Rebecca Perkinson own and hold this property free and clear of all encumbrances whatsoever except the taxes thereon for the year 1936 which were not determined as to the amount at the time of the certification of the abstract.

The warranty deed which has been tendered to the state by Emma Lettie Bagwell and Annie Rebecca Perkinson, both of whom are unmarried, and who reside in the state of Virginia, has been executed by said grantors in conformity with the laws of Virginia and of this state and, therefore, under the provisions of Section 8516, General Code, the execution and acknowledgment of the deed is in full compliance with the laws of this state.

The form of this deed is such that the same is legally sufficient to convey this tract of land by the description therein contained to the State of Ohio by full fee simple title with a covenant of warranty that the property conveyed by this deed is free and clear of all encumbrances whatsoever except taxes for the year 1936, the first half of which are payable in December, 1936, and the remainder in June, 1937, as to which it is recited in said deed that the grantee assumes and agrees to pay such taxes. There is nothing in the option which was taken by your department for the purchase of this property which imposes upon the state or upon the department any obligation with respect to the payment of the 1936 taxes on this property. However this may be, some provision should be made for the payment of these taxes which, doubtless, amount to only a few dollars.

Contract encumbrance record No. 38, which has been submitted as a part of the files relating to the purchase of this property, has been properly executed and the same shows that an unencumbered balance in the rotary fund to the credit of the Division of Forestry of the Ohio Agricultural Experiment Station, in the hands of the State Treasurer, to pay the purchase price of the above described property, which purchase price is the sum of \$450.00. Inasmuch as this property is being purchased by the Ohio Agricultural Experiment Station for the use of the Forestry Division of said department under the authority of House Bill No. 571, Sections 1173-2, et seq., General Code, no action of the Controlling Board with respect to the purchase of this property was or is necessary.

On the considerations above noted, I am hereby approving the

title of Emma Lettie Bagwell and Annie Rebecca Perkinson in and to the above described property subject only to the exception with respect to the 1936 taxes above noted and I am likewise approving the warranty deed, contract encumbrance record No. 38 and other files relating to the purchase of this property, all of which are herewith returned to you to the end that proper voucher may be issued covering the purchase price of the property.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

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APPROVAL—BONDS OF CITY OF CLEVELAND, CUYAHOGA
COUNTY, OHIO, \$5,000.00.

COLUMBUS, OHIO, March 16, 1937.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN :

RE: Bonds of City of Cleveland, Cuyahoga County,
Ohio, \$5,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated July 1, 1934. The transcript relative to this issue was approved by this office in an opinion rendered to the State Teachers Retirement System under date of September 13, 1934, being Opinion No. 3203.

It is accordingly my opinion that these bonds constitute a valid and legal obligation of said city.

Respectfully,

HERBERT S. DUFFY,
Attorney General.