

and except the easement of the Ohio Fuel Supply Company above referred to.

As a part of the files relating to the proposed purchase of real property above described, there has been submitted to me encumbrance estimate No. 5382. This encumbrance estimate has been signed by yourself, as Director of the Department of Public Welfare, and by Hon. Harry D. Silver, Director of Finance. Said encumbrance estimate shows that there are sufficient balances in the proper appropriation account to pay the purchase price of this property. In connection with this reference to said encumbrance estimate, it is noted that the same is signed by Hon. R. T. Wisda, former Superintendent of Public Works. Under the provisions of Section 154-40, General Code, as amended in 112 O. L. 479, 480, the Department of Public Works, among other powers granted to it, has the power to purchase all real estate required by the state government for any department, office or institution thereof. As an observation, which perhaps is somewhat beside the point, so far as my report on the title of this property is concerned, it may be noted that inasmuch as it is not contemplated that any officer of the state shall purchase real property for and on behalf of the state until after the title to such property has been approved by the Attorney General, no effective purchase of such property can be made prior to the approval of the title to such property by the Attorney General. In this view, it is suggested that said encumbrance estimate should likewise carry the signature of the present Superintendent of Public Works before warrants are issued covering the purchase price of this property.

In connection with the above discussion with respect to said encumbrance estimate, it is noted that the money necessary for the purchase of this property was released by a proper resolution of the Controlling Board under date of December 16, 1929.

I am herewith returning to you said abstracts of title, warranty deed, encumbrance estimate and Controlling Board certificate.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1569.

DISAPPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS
DUTIES AS AGENT FOR SECTION 16 OF THE SCHOOL LANDS OF
HARDIN COUNTY—MONROE McBRIDE.

COLUMBUS, OHIO, February 28, 1930.

HON. JOSEPH T. TRACY, *Auditor of State, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval, bond in the penal sum of \$12,000.00, upon which the name of Monroe McBride appears as principal, and the name of the Massachusetts Bonding and Insurance Company appears as surety. Said bond is conditioned for the faithful performance of the duties of the principal as agent for Section 16 of the school lands of Hardin County, and apparently given in pursuance of Section 3197 of the General Code, which requires you to approve the same as to amount and sureties.

While the bond in the form submitted when approved by you will undoubtedly be sufficient for the purpose, your attention is directed to the fact that the Secretary of State distributes a form of bond for state officers which contains the proper

oath to be administered. Of course, said oath may be given separately, and while the bond no doubt is sufficient, it would simplify matters if the same were executed on the regular state form.

Your attention is further directed to the fact that there is not attached to said bond a power of attorney or other data showing that the attorney in fact, had authority to execute said bond.

While as hereinbefore stated, said bond is in sufficient legal form, it should not be approved and accepted by you until such time as evidence has been furnished indicating that the attorney in fact, was authorized to execute the same on behalf of the surety.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1570.

APPROVAL, SUPPLEMENTAL AGREEMENT FOR ELIMINATION OF
GRADE CROSSING OVER B. & O. R. R. IN BUTLER COUNTY, OHIO.

COLUMBUS, OHIO, February 28, 1930.

In re: Butler County, S. H. No. 43—B. & O. Grade separation at Schencks.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—On February 7, 1930, I received a letter from your department bearing date of January 24, 1930, submitting for my approval as to form, a supplemental agreement proposed to be executed on behalf of the State of Ohio with the Baltimore & Ohio Railroad Company, adopting and ratifying all proceedings instituted for the improvement under Sections 6956-22, et seq., of the General Code, in reference to the elimination of the grade crossing on S. H. No. 43 in Butler County, where the B. & O. Railroad Company's tracks cross the highway at grade, at Schencks, on which it is proposed to again start, under the provisions of Section 1229, General Code.

I have carefully examined said proposed supplemental agreement, and hereby approve the same as to form.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1571.

APPROVAL, CONTRACT FOR ELIMINATION OF GRADE CROSSING IN
NEWCOMERSTOWN, TUSCARAWAS COUNTY, OHIO.

COLUMBUS, OHIO, February 28, 1930.

In re: Grade Crossing Elimination—S. H. No. 415—Penna. Ry. Company, lessee, operating P. C. C. & St. L. Ry.—Tuscarawas County, Ohio.

DEAR SIR:—This will acknowledge receipt of your letter under date of January 30, 1930, submitting for my approval as to form, a proposed agreement with the