

issue of school building improvement bonds dated September 1, 1938, bearing interest at the rate of  $2\frac{1}{2}\%$  per annum.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute valid and legal obligations of said school district.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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3431.

APPROVAL—ABSTRACT OF TITLE AND OTHER INSTRUMENTS, PURCHASE BY STATE OF OHIO, THROUGH CONSERVATION COMMISSIONER, FROM C. E. HEMMING, ET AL., DESCRIBED PARCEL OF LAND IN MIFFLIN TOWNSHIP, PIKE COUNTY, OHIO, FOR FISH HATCHERY, PURCHASE PRICE, \$94.00.

COLUMBUS, OHIO, December 19, 1938.

HON. L. WOODDELL, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR: I am this day in receipt of a communication from the abstracters enclosing a corrected certificate of title and warranty deed relating to the purchase by the State of Ohio of a small parcel of land in Mifflin Township, Pike County, Ohio, which is owned of record by C. E. Hemming, Frank Hemming, Porter Hemming, Myron Hemming, Austa Hemming and A. H. Hemming; which certificate of title and warranty deed I have examined in connection with the other files submitted to me in this matter relating to the purchase of this parcel of land which is situated in the Virginia Military Survey and which is more particularly described as follows:

Beginning at the intersection of the center line of the Main State Highway (No. 124, in 1934) from Latham to Sinking Springs with the common line of property formerly owned by Timothy Hankins heirs, Z. B. and Rachel Hughes, Asa Giffen, and James W. Holton farms, said intersecting point is N.  $12^{\circ}$ — $29'$  W., 34.29 feet from a concrete monument; thence S.  $12^{\circ}$ — $29'$  E., 692.53 feet to a concrete monument; thence S.  $77^{\circ}$ — $26'$  W. 250.75 feet to a point which is the beginning of the description of the land conveyed by this

instrument; thence S. 77°—26' W. 163.95 feet, thence N. 14°—44½' W. 531.32 feet to a concrete monument; thence S. 30° 08' E. 340.05 feet; thence S. 34° 01½' E. 222.39 feet to the point of beginning, containing .94 acre, more or less, and being part of Thomas Buckner's Survey No. 2718.

Upon examination of the certificate of title submitted to me, I find that said C. E. Hemming, Frank Hemming, Porter Hemming, Myron Hemming, Austa Hemming and A. H. Hemming, each and all of whom are unmarried, have a good and indefeasible fee simple title, as tenants in common, of the above described parcel of land, and that they own and hold the same free and clear of all encumbrances except the taxes on this property for the year 1938, the amount of which is inconsequential and which will probably be paid by the above named persons when they pay the 1938 taxes on the remainder of a larger tract of land of which the parcel above described is and has been a part.

Upon examination of the warranty deed tendered by said C. E. Hemming, Frank Hemming, Porter Hemming, Myron Hemming, Austa Hemming and A. H. Hemming, I find that said deed has been properly executed and acknowledged by said grantors; and that the form of this deed is such that the same is legally sufficient to convey the above described parcel of land to the State of Ohio by fee simple title with a covenant of warranty that said property is conveyed to the State of Ohio free and clear of all encumbrances whatsoever.

Upon examination of contract encumbrance record No. 18, which has been submitted as a part of the files relating to the acquisition of this property, the purchase of which for fish hatchery purposes was provided for by resolution of the Conservation Council under date of May 25, 1938, I find that said contract encumbrance record has been properly executed and that there is shown thereby a sufficient unencumbered balance to the credit of the Conservation Division to pay the purchase price of the property, which purchase price is the sum of \$94.00. And in this connection, it is noted that under date of June 20, 1938, the Controlling Board approved the purchase of this property for the purpose above stated and, acting under the authority conferred upon said Board by Amended Senate Bill No. 369, transferred to the proper appropriation account the money necessary to pay such purchase price.

On the considerations above noted, I am approving the title to this property as the same stands in the names of the grantors above designated; and I am likewise approving said warranty deed, contract encumbrance record and other files relating to the purchase of this property. All of these files are herewith returned to you for your

further attention in closing the transaction for the purchase of this property by the issue of your voucher covering the purchase price of the property in the amount above stated.

In this connection, I am advised that in addition to paying the purchase price of the property, the State, acting through your department, is to pay to the abstracters Daily, Moats and Wills of Waverly, Ohio, an amount to be agreed on covering their services in preparing the certificate of title of the above described property and for such other services as they may have rendered in connection with this matter.

Respectfully,  
HERBERT S. DUFFY,  
*Attorney General.*

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3432.

CIVIL SERVICE LAW—STATE OF OHIO—DEPARTMENT  
OF HIGHWAYS—POSITIONS—DEPUTY DIRECTORS,  
RESIDENT DIVISION DEPUTY DIRECTORS AND RESI-  
DENT DISTRICT DEPUTY DIRECTORS—NOT WITHIN  
CLASSIFIED SERVICE.

*SYLLABUS:*

*The positions of deputy directors, resident division deputy directors, and resident district deputy directors in the Department of Highways are not within the classified service under the civil service law of Ohio.*

COLUMBUS, OHIO, December 20, 1938.

HON. IVAN R. AULT, *Director, Department of Highways, Columbus, Ohio.*

DEAR SIR: This will acknowledge the receipt of your communication which requests my opinion on the following questions:

“Are the ‘deputy directors,’ ‘resident division deputy directors,’ and ‘resident district deputy directors’ (named in General Code Sections 1181, 1182 and 1183) ‘deputies of a principal executive officer authorized by law to act for and in the place of their principal and holding a fiduciary relation to their principal,’ within the meaning and construction of General Code Section 486-8, subsection 9?”

“Do the above named members of the Highway Department’s personnel, or any of them, come within the classified service, competitive class of the civil service of the State of Ohio?”