

which the territory described in your letter may be transferred to the McDonald village school district.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1378.

DISAPPROVAL, DEED TO LAND OF EDAR C. MILAR IN GOSHEN TOWNSHIP, TUSCARAWAS COUNTY.

COLUMBUS, OHIO, January 8, 1930.

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

DEAR SIR:—This is to acknowledge receipt of your recent communication, submitting for my examination and approval, a warranty deed executed by one Edar C. Milar, a widow, conveying to the State of Ohio a certain tract of 1.03 acres of land in Goshen Township, Tuscarawas County, Ohio, which tract of land is more particularly described in said deed and in Opinion No. 1251 approving the abstract of title with respect to the purchase of this property directed to you under date of December 3, 1929.

Upon examination of said deed I find that I am required to disapprove the same for the following reasons:

(1) It does not appear that said deed was signed and acknowledged in the presence of two witnesses, as required by the provisions of Section 8510, General Code. (2) The named grantee in said deed is "The State of Ohio, Division of Highways." The words "Division of Highways" should be eliminated so that the deed will stand as one to the State of Ohio, its successors and assigns, without qualification or limitation as to the department which is to make use of the property conveyed.

I am herewith returning said deed to you.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1379.

DITCH IMPROVEMENT—CONSTRUCTED BY MUNICIPALITY WITHIN THE CORPORATION—COUNTY MAY NOT PAY PART COST OF SAME EVEN THOUGH BENEFITED THEREBY—SUGGESTED REMEDY.

SYLLABUS:

In the event a ditch improvement lies wholly within the corporate limits of a municipal corporation and such improvement is being constructed by the municipality, which has taken jurisdiction thereof, there is no authority for the expenditure of county funds to pay a portion of the cost of such improvement, notwithstanding the fact that the county may be benefited thereby. In the event the improvement will result in a benefit to the county, the county commissioners should take jurisdiction thereof