

placed under the control, management, supervision and direction of a board of control. Under the provisions of Section 1177-10a of the General Code, said board of control is authorized to buy forested lands or other lands in the state suitable for the growth of forest trees.

The Board of Control of the Ohio Agricultural Experiment Station is purely a creature of statute and no where in the statutes governing its powers do we find provision made clothing it with authority to lease any of the lands under its control or to grant permission to a public utility to occupy said lands for any purpose. Provision has been made, however, in Section 1177-10c, General Code, for the sale of portions of the State Forest lands under certain conditions.

It appears from the statement of facts contained in the communication of the State Forester relative to the instant question, that the Ohio Utilities Company is now seeking permission to erect poles within the limits of an inter-county highway. It further appears that the arms of these poles carrying the wires will reach over on to State Forest property. While the Director of Highways and Public Works may, upon application of the Utilities Company, grant said company the right to occupy an inter-county highway with its poles and transmission lines, yet, he has no authority to grant to such a company or to any one permission to occupy any portion of State Forest lands.

Answering your query specifically it is therefore my opinion that :

1. The Board of Control of the Ohio Agricultural Experiment Station has no authority to grant to a public utility company the right to erect poles on any inter-county highway or main market road.

2. Neither the Board of Control of the Ohio Agricultural Experiment Station nor the Director of Highways and Public Works has authority to grant to a public utility company the right to construct and maintain transmission lines on any portion of State Forest lands.

Respectfully,
EDWARD C. TURNER.
Attorney General.

1275.

APPROVAL, ABSTRACT OF TITLE TO LAND IN XENIA TOWNSHIP,
GREENE COUNTY, OHIO.

COLUMBUS, OHIO, November 18, 1927.

HON. CHAS. V. TRUAX, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—Referring to and supplementing my opinion bearing No. 1255, dated November 14, 1927, regarding the status of title of property located in Xenia Township, Greene County, Ohio, described in said opinion, which it is proposed to purchase from D. E. Spahr and wife, I find that the proceedings of the City of Xenia relative to the purchase of said land and the sale of the same have now been furnished.

I am therefore of the opinion that the abstract of title submitted shows that D. E. Spahr has a good and merchantable title to said premises, free and clear of all encumbrances except the following :

1. A reservation in favor of John B. Wright, a former owner, under a deed of October 1, 1887, covering the use of the roadway, conveyed as a part of the land under consideration, to be used as a means of ingress from the rear fields on the farm then owned by said John B. Wright. This reservation is carried through subsequent deeds and is incorporated in the deed which D. E. Spahr proposes to deliver to the State of Ohio.

2. The 1927 taxes, the amount of which is not yet determined.

3. The records of the county auditor show that he has received and is now making up a special assessment duplicate for the improvement of the Springfield and Xenia pike in the sum of \$122.57, or of \$15.59 per annum if paid in instalments.

The deed has been executed by David E. Spahr, one and the same person as D. E. Spahr and Emma Spahr, his wife, by the terms of which they convey to the State of Ohio, its successors and assigns, the above described real estate. The deed conveys the land free and clear from all encumbrances, except taxes and assessments due and payable in December, 1927, and thereafter. The deed has been acknowledged by David E. Spahr and his wife before a notary public of Greene County on the fifteenth of October, 1927. This deed, when properly delivered, will transfer the title of D. E. Spahr in said land to the State of Ohio.

I herewith return the abstract and deed.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1276.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENTS IN ALLEN, PERRY AND WAYNE COUNTIES.

COLUMBUS, OHIO, November 18, 1927.

HON. GEORGE F. SCHLESINGER, *Director, Department of Highways and Public Works, Columbus, Ohio.*

1277.

OHIO STATE REFORMATORY—WITHOUT AUTHORITY TO REFUSE PRISONER SENTENCED BY A COURT OF COMPETENT JURISDICTION.

SYLLABUS:

1. *The judgment or sentence of the trial court is a finality, unless and until the same be set aside or modified by a court of competent jurisdiction, and the superintendent of the Ohio State Reformatory, the Ohio Board of Clemency and all other administrative officers are bound thereby, in the absence of action thereon by a court having jurisdiction so to act.*