

2435.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND JOS. L. SKELDON ENGINEERING COMPANY, TOLEDO, OHIO, FOR THE CONSTRUCTION OF FOUR BOILERS AND STOKERS FOR INSTITUTION FOR FEEBLE MINDED, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$60,638.00—SURETY BOND EXECUTED BY THE UNITED STATES FIDELITY AND GUARANTY COMPANY.

COLUMBUS, OHIO, August 9, 1928.

HON. JOHN E. HARPER, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Welfare, (Institution for Feeble Minded), and Jos. L. Skeldon Engineering Company, of Toledo, Ohio. This contract covers the construction and completion of Four Boilers and Stokers and Brickwork complete, for Institution for Feeble Minded, Columbus, Ohio, and calls for an expenditure of sixty thousand six hundred and thirty-eight dollars (\$60,638.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that the consent and approval of the Controlling Board to the expenditure has been obtained as required by Section 12 of House Bill No. 502 of the 87th General Assembly. In addition you have submitted a contract bond upon which the United States Fidelity and Guaranty Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,

EDWARD C. TURNER,
Attorney General.

2436.

APPROVAL, ABSTRACT OF TITLE TO LAND OF R. O. ELSEA AND OTHERS, IN BENTON AND MIFFLIN TOWNSHIPS, PIKE COUNTY, OHIO.

COLUMBUS, OHIO, August 10, 1928.

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

DEAR SIR:—There has been submitted to this department a corrected abstract of title of certain lands situated in Benton and Mifflin Townships, Pike County, Ohio, owned by one Creighton R. Elsea in his lifetime, and which are more particularly described in Opinion No. 2337 of this department addressed to you under date of July 10, 1928, in connection with my examination of the original abstract submitted to this department.

Additional information furnished and made a part of the corrected abstract of title has obviated the more fundamental objections noted by me in the former opinion above referred to.

From my examination of the corrected abstract of title submitted, I am of the opinion that R. O. Elsea, Sam C. Elsea and Grace L. Barnhart have a good and inde-

feasible fee simple title to the lands here in question, subject to the dower interest of Caroline Elsea, widow of Creighton R. Elsea, deceased, and subject to the inchoate dower interest of the respective consorts of the children and heirs of the said Creighton R. Elsea above named. I further find that said lands are free and clear of all encumbrances except the lien of taxes thereon and the lien of the outstanding indebtedness of the estate of the said Creighton R. Elsea.

It appears from the abstract that the only taxes that are unpaid and a lien on said lands are the taxes for the last half of the year 1927 and the undetermined taxes for the year 1928.

With respect to the outstanding indebtedness of the estate of the said Creighton R. Elsea, it appears from an affidavit made a part of the corrected abstract that substantially all of said indebtedness consists of certain sums of money due and owing to Emma J. Elsea and Cora L. Elsea, who are the wives, respectively, of said Sam C. Elsea and R. O. Elsea. Both said Emma J. Elsea and Cora L. Elsea have signed the warranty deed to be delivered to the State of Ohio in the consummation of the purchase of these lands. By signing said deed and joining in the granting and warranty clauses thereof said persons have effectually estopped themselves from claiming the benefit of any lien on the lands here in question, so far as any claims against the estate of Creighton R. Elsea are concerned, and this objection to the title is accordingly obviated by the fact that they have signed said deed.

In my former opinion to you above referred to, your attention was called to a discrepancy in the purchase price of these lands noted in the recital thereof in the deed compared with that noted in the certificate of the Controlling Board. It is quite possible, if not altogether probable, that this discrepancy arises from some misunderstanding with respect to the number of acres of land in the two tracts covered by the abstract and deed. However this may be, the discrepancy should in some way be adjusted for the reason that the amount of money paid by your department for these lands should not exceed the purchase price authorized by the Controlling Board.

Subject, therefore, to this exception and to that above noted with respect to the taxes which are a lien upon said lands, the title to the same is hereby approved.

I am herewith returning said abstract of title to you.

Respectfully,

EDWARD C. TURNER,

Attorney General.

2437.

APPROVAL, THREE GAME REFUGE LEASES.

COLUMBUS, OHIO, August 10, 1928.

Department of Agriculture, Division of Fish and Game, Columbus, Ohio.

GENTLEMEN:—This will acknowledge your letter of August 7, 1928, in which you enclosed the following Game Refuge Leases in duplicate, for my approval:

<i>No.</i>	<i>Name.</i>	<i>County.</i>	<i>Township.</i>	<i>Acres.</i>
1145	Marion Watson.....	Fairfield,	Pleasant,	304
1146	Daniel Bauer.....	Fairfield,	Pleasant,	84
1147	Ellen Tschopp.....	Fairfield,	Pleasant,	206

I have examined said leases, find them correct as to form, and I am therefore returning the same with my approval endorsed thereon.

Respectfully,

EDWARD C. TURNER,

Attorney General.