

and other perquisites, in determining the minimum amount of his deputy hire under section 2980 G. C.

Respectfully,
C. C. CRABBE,
Attorney-General.

2198.

OPINION TO SUPPLEMENT OPINION NO. 2129. ABSTRACT, STATUS OF TITLE, FOUR HUNDRED AND SEVENTY-SIX (476) ACRES OF LAND, SITUATE IN BENTON TOWNSHIP, PIKE COUNTY, OHIO.

COLUMBUS, OHIO, February 4, 1925.

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

DEAR SIR:—The purpose of this opinion is to supplement former opinion of this department, No. 2129, under date of January 7, 1925.

In the former opinion, the encumbrance estimate submitted was No. 5643 and covered five hundred and forty (540) acres of land, at an estimated cost of \$2,160.00. The encumbrance estimate now submitted bears No. 5647 and covers four hundred and seventy-six (476) acres of land, the same as described in the warranty deed, at an estimated cost of \$1,904.00. Attention is directed to the former encumbrance estimate No. 5643, dated December 22, 1924, which should be taken up and voided before the present encumbrance can be used.

The warranty deed as now submitted has been corrected in the encumbrance clause and now conveys the premises, free and clear from all encumbrances whatsoever. The deed has also been properly executed in accordance with the suggestion of this department in our former opinion.

Otherwise, our former opinion stands as originally submitted, and your attention is again particularly directed to the last four paragraphs of the former opinion.

Encumbrance estimate No. 5647, which appears to be in proper form, the warranty deed now executed and the abstract submitted by you are herewith returned.

Respectfully,
C. C. CRABBE,
Attorney-General.

2199.

ABSTRACT, STATUS OF TITLE, LOT NUMBER THIRTY-EIGHT (38) OF HAMILTON'S SECOND GARDEN ADDITION TO CITY OF COLUMBUS, OHIO.

COLUMBUS, OHIO, February 5, 1925.

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

DEAR SIR:—An examination of an abstract of title submitted by your office to this department discloses the following:

The abstract under consideration was prepared by Adolph Haak & Company,

Abstracters, August 10, 1905, and continuations thereto made by J. G. Westwater, attorney, June 2, 1917, J. G. Westwater, attorney, January 29, 1919, E. M. Baldrige, attorney, September 4, 1923, and E. M. Baldrige, attorney, January 24, 1925, and pertains to the following premises:

Lot Number Thirty-eight (38) of Hamilton's Second Garden Addition to the City of Columbus, Ohio, as the same is numbered and delineated on the recorded plat thereof, recorded in Plat Book 7, page 186, Recorder's Office, Franklin County, Ohio, saving and excepting therefrom six feet off the rear end thereof, reserved for the purpose of an alley.

Upon examination of said abstract, I am of the opinion same shows a good and merchantable title to said premises in Pauline E. Carl, subject to the following exceptions:

The release of the mortgage shown at section 8 of the first part of the abstract is in defective form, but as the note secured by the mortgage has been long past due, no action could be maintained upon same. The release shown at section 14 is also defective, but shows that the notes secured by the mortgage were undoubtedly paid.

Attention is directed to the restrictions in the conveyance shown at section 1 of the continuation of June 2, 1917, wherein are found restrictions for a period of twenty-five years against the use of the premises for the erection of any buildings to be used for slaughter houses and the killing of animals, or the use of said premises for the sale of intoxicating liquors or malt beverages.

The abstract states no examination has been made in the United States District or Circuit Courts, nor in any subdivision thereof.

Taxes for the last half of the year 1924, amounting to \$5.07, are unpaid and a lien against the premises.

Attention is also directed to the unpaid balance of a special assessment on account of the improvement of Clara Street, amounting to \$56.98, the next installment of which, amounting to \$28.48, and interest, will be due and payable in December, 1925.

It is suggested that the proper execution of a general warranty deed by Pauline E. Carl and husband, if married, will be sufficient to convey the title to said premises to the State of Ohio when properly delivered.

Attention is also directed to the necessity of the proper certificate of the Director of Finance, to the effect that there are unincumbered balances legally appropriated sufficient to cover the purchase price before the purchase can be consummated.

The abstract submitted is herewith returned.

Respectfully,
C. C. CRABBE,
Attorney-General.

2200.

AUTHORITY OF DEPARTMENT OF PUBLIC WELFARE TO DRILL OIL AND GAS WELLS DISCUSSED.

SYLLABUS:

(1) *The Department of Public Welfare may not, without specific statutory authority, lease the lands under its jurisdiction for the purpose of drilling for oil or gas.*