

is taken by the people of a township and such officers, having the same powers that the original township officers had, would seem to still be township officers. The fact that the legislature designates them by some other title is not the controlling factor. It is the powers, duties and functions that an officer exercises that are determinative of the character of the officer, and not the official designation that may happen to be given to him by the legislature. As the courts have frequently said, "There is no magic in words."

After carefully considering the matter and comparing the present act with the original act, it is the opinion of this department that whatever constitutional objections existed in reference to the original act were not cured by the act under consideration.

Respectfully,
C. C. CRABBE,
Attorney General.

2776.

ABSTRACT, STATUS OF TITLE, LOT NO. 77 IN THE CITY OF ATHENS, ATHENS COUNTY, STATE OF OHIO, APPEARING IN THE NAME OF JOHN RODOLPH SLATTERY AND MARY SLATTERY LOGAN.

COLUMBUS, OHIO, Sept. 12, 1925.

Trustees of Ohio University, Athens, Ohio.

GENTLEMEN:—An examination of a deed and abstract submitted by your board to this department discloses the following:

The abstract under consideration was prepared by R. D. Williams, Abstracter, under date of September 9, 1925, and pertains to the following premises:

Part of in-lot No. 77 in the city of Athens, county of Athens, state of Ohio, appearing in the name of John Rodolph Slattery and Mary Slattery Logan.

Upon examination of said abstract, I am of the opinion that same shows a good and merchantable title to said premises in John Rodolph Slattery and Mary Slattery Logan, subject to the following:

Attention is directed to the taxes for the year 1925, which are now and have been since April 12, 1925, a lien upon the premises under consideration. Said taxes have not as yet been paid but it appears, from the certificate of Fred Cornwell, auditor of Athens county, Ohio, that sufficient moneys have been deposited with said county auditor to pay all taxes due to the premises under consideration.

It is suggested that the proper delivery of the already executed deed as submitted will be sufficient to convey the title to the premises to the president and trustees of the Ohio University.

Attention is also directed to the necessity of the proper certificate of the director of finance, to the effect that there are unencumbered balances legally appropriated sufficient to cover the purchase price, before this purchase can be finally consummated.

Attention is also directed to the provisions of section 12 of the general appropriation act of the eighty-sixth general assembly, wherein it provides that

"No moneys herein appropriated for the purchase of real estate shall be expended without the consent and approval of the controlling board herein provided for; such approval to be evidenced by a majority vote of the board, entered on the minutes."

The consent and approval above provided for must be procured and properly evidenced by a transcript of the minutes of the controlling board before the final consummation of this transaction.

The abstract and deed submitted by you are herewith returned.

Respectfully,

C. C. CRABBE,

Attorney General.

2777.

ABSTRACT, STATUS OF TITLE, IN-LOT NO. 557 AND FIVE FEET OFF THE SOUTH SIDE OF IN-LOT NO. 556, IN CURRIER'S VINE STREET ADDITION TO THE CITY OF ATHENS. ATHENS COUNTY, OHIO.

COLUMBUS, OHIO, Sept. 12, 1925.

Trustees of Ohio University, Athens, Ohio.

GENTLEMEN:—Examination of the deed and abstract of title submitted by your board to this department under date of July 17, 1925, discloses the following:

The abstract under consideration was prepared by M. D. Hughes, attorney at law, and later supplemented by a certified copy of letters of administration issued to Edna Copeland as administratrix of the estate of Frances C. Copeland, deceased, which certificate is attached to an original mortgage by James T. Dailey and wife to said Frances C. Copeland, and is authority for the release of said mortgage by said Edna Copeland.

The abstract as submitted pertains to the following premises, to-wit,

In-lot No. 557 and five feet off the south side of in-lot No. 556, except ninety-six (96) feet, more or less, off the east end thereof, in Currier's Vine Street addition to the city of Athens, Athens county, Ohio.

Upon examination of said abstract I am of the opinion that same shows a good and merchantable title to said premises in James T. Dailey, subject to the following exceptions:

The taxes for the year 1925, the amount of which is as yet undetermined, are a lien.

Examination of the warranty deed as submitted discloses that the same is made to "The State of Ohio." This designation of the grantee should be changed, either to "The State of Ohio, for the use of the president and trustees of the Ohio University, a corporation," or simply "The president and trustees of the Ohio University, a corporation." After this change has been properly made and the deed again properly executed, the same will be sufficient to convey the title of the premises when properly delivered.

Attention is also directed to the necessity of a proper encumbrance estimate covering the consideration for the premises being purchased. This should be properly certified by the director of finance, as well as the fiscal officer of Ohio Univer-