

Nothing in this opinion is to be construed as holding that a board of education or a board of trustees of a school library may not in a contract of employment, if it deems a vacation necessary to render an employe able and fit physically to perform his duties, provide that an employe be given a vacation period, which period the employe must actually use for recreational purposes and not in other employment.

Respectfully,

EDWARD C. TURNER,  
*Attorney General.*

2698.

APPROVAL, BONDS OF THE CITY OF BOWLING GREEN, WOOD COUNTY, OHIO—2 ISSUES—\$23,000.00.

COLUMBUS, OHIO, October 11, 1928.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

2699.

APPROVAL, BONDS OF THE VILLAGE OF PARMA HEIGHTS, CUYA-HOGA COUNTY, OHIO—\$7,088.00.

COLUMBUS, OHIO, October 11, 1928.

*Industrial Commission of Ohio, Columbus, Ohio.*

2700.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF HAWKINS' ALLOTMENT IN JEFFERSON TOWNSHIP, MERCER COUNTY, OHIO.

COLUMBUS, OHIO, October 11, 1928.

HON. HARRY J. KIRK, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted an abstract of title prepared and certified by Homer J. Hinders, of Celina, Ohio, under date of October 3, 1928, and request my opinion as to the status of the title of lots Nos. 82 and 83 of Hawkins' 2nd Allotment, West of the Incorporated Village of Celina, Ohio, which said property is situate in the Township of Jefferson, County of Mercer and State of Ohio, as disclosed by said abstract.

Upon an examination of said abstract, the following objections have been noted:

1. In Section 1 the abstract shows an entry to the East Half (E.  $\frac{1}{2}$ ) of the Northwest Quarter (N. W.  $\frac{1}{4}$ ) of Section One (1), Township Six (6), Range Two (2), containing 80.82 acres, by Demas Adams. However, it is stated by the abstracter that "the state deed has never been spread upon the record in Mercer County, Ohio." It also does not appear from the abstract when said entry was made.

2. At Section 13 the lands set off to Mira Gertrude Baily in a partition proceedings in the Common Pleas Court of Mercer County, in 1875, is described as follows:

"And all that portion of the east half of the Southeast Quarter of the Northwest Quarter of said Section 1 (with reference to Section 1, town 6 south, range 2 east) that lies south of the center of the Celina and New Corydon free turn pike."

There is difficulty in following the descriptions in the later conveyances as set forth in Sections 17, 18, 19 and 20 with reference to the original tract set off to Mira Gertrude Baily. This difficulty is magnified by the fact that the descriptions refer to the Celina and New Corydon Road or Mud Pike as a boundary line, and no plat is attached showing the locations of said road with reference to the situations of the quarter sections. Neither does the plat show what part of the East Half (E.  $\frac{1}{2}$ ) of the Northwest Quarter (N. W.  $\frac{1}{4}$ ) of Section One (1), Township Six (6), Range Two (2) East, is included in the lands dedicated by N. B. Hawkins, although there is a plat of the lands so dedicated showing numbers of lots, streets and alleys, etc. However, without additional plats it is impossible in tracing the description to decide whether the lots under investigation are in the premises coming from the said Mira Gertrude Baily. It may be that the additional plats will clear up some of the apparent confusion in the description of the deeds mentioned.

In view of the foregoing, the status of the title to the lands under consideration will be disapproved until such time as the defects heretofore pointed out have been corrected, at which time the same may be resubmitted and further consideration will be given.

It may further be suggested that the deed should grant the premises, in the event the title can be approved, to the State of Ohio, its "successors and assigns" rather than to The State of Ohio, Division of Highways, its "heirs and assigns", as now is provided in said form.

It may further be pointed out that before a deed may be accepted and the warrant delivered in payment therefor, the certificate of the Director to the effect that there are unencumbered balances legally appropriated available to cover the purchase price of the premises under consideration should be obtained.

The said abstract, deed form and tax receipt are being returned herewith.

Respectfully,

EDWARD C. TURNER,  
*Attorney General.*

2701.

SHERIFF—DUTY AS TO FURNISHING MEDICAL AND SURGICAL SERVICES TO PRISONERS CONFINED IN COUNTY JAIL—AUTHORITY OF COUNTY COMMISSIONERS.

*SYLLABUS:*

*It is the duty of the sheriff to furnish and the county commissioners to provide at the expense of the county such medical, surgical or other like services as may be necessary to the health of prisoners lawfully confined in the county jail, even though the injury requiring such services occurred prior to such confinement.*

COLUMBUS, OHIO, October 11, 1928.

HON. HARRY K. FORSYTH, *Prosecuting Attorney, Sidney, Ohio.*

DEAR SIR:—This will acknowledge receipt of your recent communication, as follows: