

After quoting the portion of section 486-23, General Code, above set forth, the opinion refers to three former opinions of this office holding that a person in the classified service is taking part in politics if he holds public office. See Opinions of the Attorney General for 1928, Vol. II, page 1119; Opinions of the Attorney General for 1929, Vol. II, page 837, and Vol. III, page 1904.

The three opinions, above mentioned, are very exhaustive in their discussion of the legal proposition involved in this opinion, and, therefore, it is unnecessary to re-state herein the reasons on which their conclusion is based.

In view of the above discussion, I am of the opinion, in specific answer to your question, that the same person may not occupy the offices of justice of the peace and city police patrolman at the same time.

Respectfully,

GILBERT BETTMAN,
Attorney General.

4318.

APPROVAL, TRANSCRIPT OF PROCEEDINGS FOR SALE OF CANAL
LANDS IN PICKAWAY AND UNION COUNTIES, TO ANDREW COR-
CORAN OF CIRCLEVILLE, OHIO.

COLUMBUS, OHIO, May 13, 1932.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of a certain transcript in duplicate of your proceedings relating to the proposed sale to one Andrew Corcoran of Circleville, Ohio, of certain abandoned Ohio Canal lands in Wayne Township, Pickaway County, and in Union Township, Ross County, Ohio, which lands are more particularly described as follows:

“Beginning at the northerly line produced across said canal property of the lands owned by the applicant herein, at or near Station 3728+81, of the W. H. Heiby Survey of said canal property in Wayne Township, Pickaway County, Ohio, and running thence southerly with the lines of said canal property Eight Hundred and Four (804') feet, more or less, as measured along the transit line of the said Heiby Survey to the Pickaway-Ross County line, at or near Station 3736+85, of said survey, and containing One and Ninety-hundredths (1.90) acres, more or less.

Also that portion of said canal property in Union Township, Ross County, Ohio, beginning at the said Pickaway-Ross County line, and running thence southerly with the lines of said canal property nine hundred and fifteen (915') feet, more or less, as measured along said transit line to Station 3746, of said survey, and containing One and Eighty-two hundredths (1.82) acres, more or less.”

Upon examination of your proceedings relating to the sale of this property which sale is for the sum of two hundred seventy-nine dollars (\$279.00), the appraised value of the property, I find that in said proceedings you have made the necessary findings of fact which authorize you to sell this property subject to the

approval of the Governor and the Attorney General, in the manner provided for by section 13971, General Code, and by section 14203-14, General Code, which last named section is a part of the act providing for the abandonment of the section of the Ohio Canal of which the above described canal lands are a part.

I therefore approve as to legality and form the transcript of your proceedings relating to the sale of this property, and I herewith return the same with my approval endorsed upon said transcript and upon the duplicate copy thereof

Respectfully,

GILBERT BETTMAN,
Attorney General.

4319.

APPROVAL, ABSTRACT OF TITLE, ETC., TO LAND IN THE CITY OF
COLUMBUS, OHIO, OF ROY HALE AND LULU HALE.

COLUMBUS, OHIO, May 13, 1932.

HON. CARL E. STEEB, *Business Manager, Ohio State University, Columbus, Ohio.*

DEAR SIR:—There has been submitted for my examination and approval an abstract of title, warranty deed form and encumbrance record No. 1508, relating to the proposed purchase of a certain lot and parcel of land which is owned of record by Roy Hale and Lulu Hale, as tenants in common, in the city of Columbus, Ohio, and which lot is more particularly described as being lot No. 39 of Critchfield and Warden's Subdivision of the south half of the north half of lot No. 278 of R. P. Woodruff's agricultural college addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 4, pages 234 and 235, Recorder's Office, Franklin County, Ohio.

Upon examination of the abstract of title submitted, I find that said Roy Hale and Lulu Hale, husband and wife, have a good and indefeasible fee simple title to the above described property, free and clear of all encumbrances except certain taxes which are a lien upon the lot. It appears that the taxes for the year 1931 are unpaid and, of course, the undetermined taxes for the year 1932 are likewise a lien. The statement in the abstract is somewhat equivocal with respect to the taxes for the year 1930 and it is suggested that a further check with respect to the taxes on this property be made before any warrant is issued for the payment of the purchase price of this property.

Upon examination of the deed form submitted, I am of the opinion that when the same is executed and acknowledged in the manner required by law the same will be effective to convey the above described property to the state of Ohio by full fee simple title.

Encumbrance record No. 1508, which has been submitted as part of the files relating to the purchase of this property, has been properly executed and is legally sufficient to encumber the purchase price of said property, which purchase price is the sum of two hundred dollars.

Inasmuch as the purchase price of this property is to be paid out of interest on the endowment funds of Ohio State University, no action of the board of control is necessary with respect to the purchase of this property.

I am herewith enclosing the abstract of title and encumbrance record above referred to. The warranty deed form above mentioned is in the possession of