

issued to persons engaged in fishing with reel and rod are appropriated for the use of the Conservation Council for the protection, propagation and preservation of fish, including the establishment, operation and maintenance of fish hatcheries, the leasing, purchasing or otherwise acquiring title to land for said hatcheries, constructing fish chutes and dams and other methods of fish propagation and fish culture.

Section 1433 of the General Code, provides that hunters and trappers license fees shall be paid into the state treasury to the credit of a fund which is appropriated for the use of the Conservation Council in the preservation and protection of birds, game birds, game and furbearing animals.

Section 1445 of the General Code provides that all fines, penalties and forfeitures arising from prosecutions, convictions or confiscations, unless otherwise directed by the Conservation Council, shall be paid to the Conservation Commissioner who shall pay the same into the state treasury to the credit of a fund which shall be appropriated biennially for the use of the Conservation Commission. Section 1445 of the General Code also provides that all moneys collected as license on nets in the Lake Erie fishing district shall be paid by the Conservation Commissioner into the state treasury as a special fund to be used in the betterment and the propagation of fish in the Lake Erie fishing district and that the fund shall be appropriated biennially for that purpose.

There are no provisions in this act that fees collected for licenses as provided in Section 1414-1 of the General Code, shall be paid into any special fund. Therefore the provisions of Section 270 of the General Code are applicable and the fees so collected are to be paid into the state treasury and credited to the general fund.

In specific answer to your inquiry, I am of the opinion that fees collected for licenses as provided by Section 1414-1, General Code, should be paid into the state treasury and credited to the general fund.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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1574.

APPROVAL, ABSTRACT OF TITLE TO LAND OF VOLNEY S. TAYLOR  
AND C. W. MILLER IN NILE TOWNSHIP, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, March 1, 1930.

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

DEAR SIR:—This is to acknowledge receipt of your recent communication, submitting for my examination and approval, corrected warranty deed and encumbrance estimate relating to the proposed purchase of a tract of 300 acres of land in Nile

In the former opinion of this office, above referred to, the title of said Volney S. Taylor and C. W. Miller, and which is more particularly described in Opinion No. 1435 of this office, directed to you under date of January 21, 1930.

In the former opinion of this office, above referred to, the title of said Volney S. Taylor and C. W. Miller, in and to the property here in question was approved, subject to certain minor exceptions therein noted, and subject to certain reservations of mineral rights contained in former deeds in the chain of title to this property, which reservations are likewise referred to in said former opinion.

In said Opinion No. 1435, the warranty deed of Volney S. Taylor and C. W.

Miller was disapproved by reason of certain defects therein which were pointed out in said opinion; and the same is likewise true of Encumbrance Estimate No. 5844 which was submitted as a part of the files relating to the purchase of this property.

An examination of the warranty deed now tendered by Volney S. Taylor and C. W. Miller, shows that the same has been properly executed and acknowledged by said grantors and their respective wives, and that said deed is in form sufficient to convey to the State of Ohio a fee simple title to the lands in question, therein described, free and clear of all encumbrances, and free and clear of the dower interests of the wives of said grantors.

An examination of Encumbrance Estimate No. 5844 corrected in the manner pointed out in said former opinion, shows that the same is now properly executed, and that it shows sufficient balances in the proper appropriation account to pay the purchase price of said property.

Said warranty deed and encumbrance estimate are accordingly herewith returned with my approval.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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1575.

QUESTIONS OF TAX LEVY FOR SALARY OF COUNTY FARM AGENT  
AND FOR EXTENDING AID TO COUNTY AGRICULTURAL SOCIETY  
SUBMITTED TOGETHER ON ONE BALLOT—DEFEATED—SUCH AD-  
VERSE VOTE MAY NOT BE IMPLIED AS AGAINST EMPLOYMENT  
OF SAID AGENT.

*SYLLABUS:*

*When a question has been submitted to the electors of a county upon the levy of a tax for the payment of the salary of the county agricultural agent and for the purpose of extending county aid to the county agricultural society and such question did not carry at the election, the county commissioners are not authorized to assume that the electors have thereby voted against the employment of a county agricultural agent.*

COLUMBUS, OHIO, March 1, 1930.

HON. GEORGE W. RIGHTMIRE, *President, The Ohio State University, Columbus, Ohio.*

DEAR SIR:—Your letter of recent date is as follows:

“The Department of Agricultural Extension is raising the following question:—At the November election, 1929, in Champaign County, the following question was placed on the ballot:

‘A tax for the benefit of Champaign County, Ohio, for the purpose of making it possible for the board of county commissioners of said county to appropriate the sum of fifteen hundred dollars (\$1,500.00) out of the Agricultural Fund of said subdivision for the payment of the salary of the county farm agent and to appropriate from the same fund the amount required by statute for the Champaign County Agricultural Society, at a rate not exceeding one-fourth mill for a period of two years.’

The tabulation of the votes showed that the majority were against