

3457.

APPROVAL, PAPERS RELATIVE TO CONVERSION OF THE WEST PRICE HILL BUILDING AND LOAN COMPANY, CINCINNATI, OHIO, INTO THE HOME FEDERAL SAVINGS & LOAN COMPANY OF CINCINNATI, OHIO.

COLUMBUS, OHIO, November 15, 1934.

HON. HARRY L. EVERTS, *Superintendent of Building and Loan Associations of Ohio, Columbus, Ohio.*

DEAR SIR:—I have examined the various papers submitted by you in connection with the conversion of The West Price Hill Building and Loan Company, Cincinnati, Ohio, into the Home Federal Savings and Loan Association of Cincinnati, Ohio, and find the papers submitted and the proceedings of said The West Price Hill Building and Loan Company, as disclosed thereby, to be regular and in conformity with the provisions of section 9660-2 of the General Code of Ohio.

All papers, including two copies of the charter issued to said Home Federal Savings and Loan Association of Cincinnati, are returned herewith, to be filed by you as a part of the permanent records of your department, except one copy of the charter, which the law provides shall be filed by you with the Secretary of State. The law further provides that such filing with the Secretary of State shall be within ten days after the requirements of said section 9660-2 have been complied with by the savings and loan company, and that your approval shall be endorsed on the copy so filed.

I have drawn a form of approval for your signature, endorsed on both copies of the charter.

Five dollars in cash, attached to the papers, covering the filing fee of the copy with the Secretary of State, is returned herewith.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

3458.

APPROVAL, ABSTRACT OF TITLE TO TRACT OF LAND IN ANDOVER TOWNSHIP, ASHTABULA COUNTY, OWNED BY THE PYMATUNING LAND COMPANY FOR PUBLIC PARK AND HUNTING AND FISHING GROUNDS.

COLUMBUS, OHIO, November 16, 1934.

HON. WILLIAM H. REINHART, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval an abstract of title to a certain tract of land in Andover Township, Ashtabula County, Ohio, which tract, together with other tracts of land in Williamsfield, Andover and Richmond Townships in said county, the state of Ohio is acquiring from The Pymatuning Land Company. These lands are being acquired for the purpose and to the end that such lands and the waters inundating and submerging the same as a result of the construction and maintenance by the Water and Power Resources Board of the commonwealth of Pennsylvania of the dam at and across the outlet of the Pymatuning Swamp into the Shenango River in Crawford County, Penn-

sylvania, may be used as a public park and as public hunting and fishing grounds or territory.

The tract of land here in question is Lot No. 49 of the original survey of said township, and is bounded and described as follows:

Beginning at a point in the highway running North and South along the West line of said Lot No. 49 at the North-West corner of Lot No. 50 in said Township; said point being known as Monument 'L,' as shown on survey made by R. N. Case, County Surveyor of Ashtabula County, Ohio, and recorded May 20th, 1919, in Volume 4, Page 96, of Ashtabula County Records of Surveys; thence Easterly along the North line of said Lot No. 50, the same being the North line of lands formerly owned in said Lot No. 50 by Frank Perry and Tinnie Harmon, to the Ohio-Pennsylvania State line; thence Northerly along said State line to the South line of Lot No. 48 in said Township, said point being also the South-East corner of lands formerly owned by Emr. Bowman; thence Westerly along the South line of said Lot No. 48, said line being also the South line of said Bowman lands and lands now or formerly owned by Maude Thornton to the center of said highway; thence Southerly along the center of said highway, a distance of 2675 8 feet to the place of beginning, and containing about 378 Acres of land.

This tract of land is the same as that conveyed by The Realty Guarantee and Trust Company to The Pymatuning Land Company by deed under date of December 30, 1921, which is recorded in Deed Volume 263, page 421, of the Record of Deeds in the office of the Recorder of Ashtabula County, Ohio.

Upon examination of the abstract of title submitted to me and upon consideration of other information with respect to the title of this property since the date of the certification of said abstract by the abstracter, I find that The Pymatuning Land Company, the present owner of record of this property, has a good and indefeasible fee simple title to the property, free and clear of all encumbrances except the taxes on this property for the year 1934, which are a lien thereon. In this connection, I am advised that the Pymatuning Land Company is to convey this property to the state of Ohio free and clear of all encumbrances except the taxes on the property for the year 1934, above referred to; and that with respect to such taxes an application is to be made by you on behalf of the Conservation Council to the Tax Commission of Ohio for an order transferring these lands to the tax exempt list under the authority conferred upon the Tax Commission of Ohio by the provisions of sections 5570-1 and 5616 of the General Code of Ohio. The lien of the taxes above referred to on the property here in question is in legal contemplation the lien of the State itself. And, in this view, this lien on the acquisition of the property by the state of Ohio will merge and become lost in the larger fee simple title in and by which the State will then own and hold the property. However, in order that the county auditor may be enabled to transfer this and other properties acquired by the State from The Pymatuning Land Company, to the tax exempt list in his office authorized and provided for in section 5570-1 General Code, it is suggested that upon the delivery and acceptance of the deed of The Pymatuning Land Company conveying these properties to the State, an application should be made immediately for an order of the Tax Commission exempting these properties from taxation under the authority of the sections of the General Code above referred to.

Inasmuch as the conveyance of this property by The Pymatuning Land Company to the state of Ohio for the purposes indicated is in fact a gift of this property to the State for said purposes, no contract encumbrance records or Controlling Board certificate is required as a condition precedent to the right and authority of the Conservation Council to accept this conveyance on behalf of the state of Ohio.

Upon the considerations above noted, the title of The Pymatuning Land Company to this tract of land is approved and the abstract of title to the same is herewith returned to the end that the same, together with the deed executed by The Pymatuning Land Company conveying this property to the State, may on acceptance of such deed by the Conservation Council, be filed with the Auditor of State in the manner provided by law.

Respectfully,  
 JOHN W. BRICKER,  
*Attorney General.*

3459.

SEARCH WARRANT—FOR INTOXICATING LIQUOR MAY BE ISSUED ONLY BY COURTS OF RECORD—VIOLATIONS OF LIQUOR CONTROL ACT MAY BE HEARD BY COURTS NOT OF RECORD—SEARCHING AUTOMOBILE WITHOUT WARRANT WHEN.

*SYLLABUS:*

1. *A justice of the peace, a judge of a mayor's court and judges of courts which are not courts of record in Ohio cannot, under section 6064-61, General Code, issue search warrants for intoxicating liquor.*

2. *A justice of the peace and judges of courts inferior to the court of common pleas have jurisdiction to hear and determine cases arising from the violations of the Liquor Control Act, and for keeping a place where intoxicating liquor is sold, given away or furnished in violation of the penal laws of this state.*

3. *Under section 6212-43, General Code, as amended in House Bill No. 1, enacted in the second special session of the 90th General Assembly, an agent or employe of the Department of Liquor Control, deputized as provided in section 6064-8, General Code, or any other officer of the law, may search an automobile or other vehicle without a search warrant and seize beer and intoxicating liquor being possessed and transported in violation of law, providing such officers act in good faith and upon such information as induces the honest belief that the person in charge of the automobile or the vehicle is in the act of violating the law.*

COLUMBUS, OHIO, November 16, 1934.

HON. JOHN H. HOUSTON, *Prosecuting Attorney, Georgetown, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter which reads:

“In the enforcement of House Bill No. 1 enacted by the General Assembly, some questions have arisen which are rather confusing to the law enforcement officers.

We refer specifically to Section 61 of such act wherein it says that a judge of a court of record may issue Warrant to search a house, building,