

General Code section 1250 is as follows:

"If the commissioner of health finds that the discharge of sewage or other wastes from a city, village or public institution, or by a corporation, partnership or person, has so corrupted a stream, water course, canal, lake or pond, as to give rise to foul and noxious odors or to conditions detrimental to health or comfort, the source of public water supply of a city, village, community or public institution is subject to contamination, or has been rendered impure by such discharge of sewage or other wastes, he shall notify the mayor or managing officer or officers of such city, village, public institution or corporation, partnership or person of his findings and of the time and place when and where a hearing may be had before the public health council. The notice herein provided shall be by personal service or by registered letter."

Under this section it is necessary before making any order as provided in the General Code sections following to find that the *source of public water supply is subject to contamination, or has been rendered impure by such discharge of sewage or other wastes*. The General Code sections following provide for the order of the health commissioner, appeals from such order and penalty for non-compliance with the order given by the health commissioner.

In the instant case it cannot be found as provided in section 1250, as the water is not impure with either chlorine or phenol, or both, contained therein.

The powers given to the health commissioner, held penal in their nature, are not to be as strictly construed as penal statutes generally, however such construction must be confined to the power actually given. The water not being rendered impure makes it impossible to make the finding provided by statute.

Water purification for the protection of health is not the question at hand and it is impossible for the health commissioner to make the finding required by law under said section 1250. This being true, you are advised that you have no power to act in the instant case.

Respectfully,  
JOHN G. PRICE,  
*Attorney-General.*

2905.

STATUS, ABSTRACT OF TITLE, PREMISES SITUATED IN ADAMS TOWNSHIP, LUCAS COUNTY, OHIO, OF TOWN 3, UNITED STATES RESERVE AT FOOT OF RAPIDS OF MIAMI OF LAKE ERIE.

COLUMBUS, OHIO, February 27, 1922.

HON. LEON C. HERRICK, *Director, Department of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted an abstract which was last continued by the Lucas County Abstract Company, of Toledo, Ohio, on February 7, 1922, and inquire as to the status of the title to the following described premises as disclosed by said abstract:

"Situated in the Township of Adams, County of Lucas and State of Ohio:

That part of the west  $\frac{1}{2}$  of the northeast  $\frac{1}{4}$  of section 17, town 3 of the United States Reserve of 12 miles square at the foot of the Rapids of the Miami of Lake Erie in Adams township, Lucas county, Ohio, except 20 acres more or less in the southwest corner thereof described as follows:

Commencing at the southwest corner of said northeast quarter, thence running north on said quarter section line 70 rods, thence east parallel with the south line of said quarter section 45.72 rods, thence south parallel to the west line of said quarter section 70 rods, thence west on the south line of said quarter section 45.72 rods to the place of beginning, and

Excepting the following described parcel, to-wit: Beginning at the northeast corner of the west half of the northeast quarter of section 17, town 3 of the United States twelve mile square reserve at the foot of the rapids of the Miami of Lake Erie, and running thence west 100 feet, thence south parallel with the east line of said west half of the northeast quarter 639 feet to the center of a highway, thence easterly along center line of highway 27 feet to a point 40 feet west of the located line of the Toledo Railway and Terminal Company, thence southerly parallel with said located line 2094 feet to the south line of said west half of the northeast quarter, thence east 79.2 feet to the southeast corner of above named west half, thence north along the east line thereof 2731 feet to point of beginning containing 5.17 acres of land more or less.

Subject to all legal highways."

After an examination it is the opinion of this department that said abstract, together with the affidavits attached thereto, show a sufficient title to said premises in the name of Anna M. Guitteau, subject to the liens and possible objections hereinafter pointed out.

The taxes and special assessments for the last half of the year 1921 have not been paid and constitute a lien.

On page 22 there is shown an assessment for the purpose of paying the cost of a stone road, No. 119, the total amount of which is \$131.31, of which amount three installments of \$15.76 each have been paid and perhaps the fourth, or a part of the same, has been paid. This assessment constitutes a lien on the premises.

Also on page 3 of the continuation to said abstract an assessment is shown for the cost of stone road No. 147, the total of which amounts to \$207.62. No part of this assessment has been paid unless it be the first installment or a part thereof. The abstract shows the general tax for the year 1921 to be \$236.88, together with an assessment of \$15.76 for stone road No. 119, and \$24.92 for stone road No. 147, heretofore mentioned, and further recites that the first half has been paid. Whether it is the purpose of the abstractor to show that half of said assessments has been paid is not clear. Before accepting a conveyance of the premises you should carefully determine the amount of taxes and assessments which are unpaid and see that proper arrangements are made to take care of them.

Your attention is further called to the fact that Anna M. Guitteau, the present owner, claims title by reason of inheriting said premises from her father, John Williams, whose estate is in process of administration. Before the title will be complete in the said Anna M. Guitteau, it is necessary that an affidavit be filed with the auditor, transferring said premises from the name of her father to her on the tax duplicate. It is further important to determine that there is sufficient personal

property of the decedent to fully pay all debts and expenses of administration of his estate, otherwise the premises in question would be liable for such costs and debts.

You have submitted incumbrance estimate No. 6245, which contains the certificate of the Department of Finance, to the effect that there are unincumbered balances legally appropriated in the sum of \$22,000 to cover the cost of said premises.

You have further submitted a deed executed by the said Anna M. Gitteau, which is believed is sufficient to convey said premises to the state when the matters hereinbefore pointed out are properly cleared up.

The abstract, incumbrance estimate and deed are being returned herewith.

Respectfully,  
 JOHN G. PRICE,  
*Attorney-General.*

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2906.

APPROVAL, BONDS OF VILLAGE OF LISBON IN AMOUNT OF \$19,000  
 FOR WATERWORKS IMPROVEMENTS.

COLUMBUS, OHIO, February 27, 1922.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

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2907.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS,  
 LUCAS, HAMILTON AND HARDIN COUNTIES, OHIO.

COLUMBUS, OHIO, February 27, 1922.

*Department of Highways and Public Works, Division of Highways, Columbus, Ohio.*

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2908.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS IN  
 GEauga COUNTY, OHIO.

COLUMBUS, OHIO, February 28, 1922.

*Department of Highways and Public Works, Division of Highways, Columbus, Ohio.*