

732.

APPROVAL, CONTRACT WITH C. C. C. & ST. L. R. R. FOR CONSTRUCTION
OF SIDE TRACK AT LONDON PRISON FARM.

COLUMBUS, OHIO, August 12, 1929.

HON. H. H. GRISWOLD, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your communication under date of August 8, 1929, enclosing a proposed contract between the State of Ohio and The Cleveland, Cincinnati, Chicago and Saint Louis Railway Company, relating to the construction by said railway company of an additional side track on and in connection with the London Prison Farm land and premises.

A contract and agreement covering the above matter was submitted to this department under date of August 30, 1928, and the same was disapproved by Opinion No. 2522 of this department under date of September 1, 1928. The contract submitted at said time was disapproved more specifically for the reason that said contract provided that the State of Ohio should assume all responsibility for, and indemnify said railway company against loss of, or damage to property upon its premises, whether belonging to the State or otherwise, arising from fire caused by locomotives operated by the railroad upon said switch track, regardless of the railroad company's negligence in the operation of said locomotives. This objection has been corrected in the new contract submitted; and although there is some doubt as to your authority to bind the State with respect to some of the stipulations in Paragraph No. 10 of the contract now submitted, I do not think that upon the whole said contract is objectionable and the same is hereby approved as is evidenced by my approval endorsed upon said contract and the copy thereof.

I note that in the caption of said contract the name of your predecessor is carried as Director of the Department of Public Welfare. This of course should be changed by the substitution of your own name as such Director.

Respectfully,
GILBERT BETTMAN,
Attorney General.

733.

APPROVAL, ABSTRACT OF TITLE TO LAND OF LOUISE C. PHILLIPS, IN
CARTHAGE, CINCINNATI, HAMILTON COUNTY, OHIO.

COLUMBUS, OHIO, August 12, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—In Opinion No. 680 under date of July 26, 1929, which was written on consideration of the abstract of title, warranty deed, and other files relating to the proposed purchase of a parcel of land in Carthage, Cincinnati, Ohio, owned of record by one Louise C. Phillips, I disapproved the warranty deed tendered by the grantor at that time for the reason that the same did not set out the real consideration upon which the conveyance of the property described in said deed was to be made.

This defect in the deed has now been corrected, and finding that the same is