

4883.

APPROVAL, WARRANTY DEED CONVEYING PARCELS OF  
LAND IN PAXTON TOWNSHIP, ROSS COUNTY, OHIO  
FOR SITE FOR FOREST FIRE LOOKOUT TOWER—P. T. C.  
BROWN, JR.

COLUMBUS, OHIO, November 9, 1935.

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

DEAR SIR:—This is to acknowledge receipt of your recent communication, submitting for my examination and approval, a warranty deed, executed to the State of Ohio by P. T. C. Brown, Jr., an unmarried person, by which there is conveyed to the State certain parcels of land situated in the Township of Paxton, County of Ross and the State of Ohio, the property being conveyed to the State, to the end that the same may be used as a site for a forest fire lookout tower. In the same deed there is also conveyed to the State an easement for a road and telephone line. On examination of this deed, I find that the same has been executed and acknowledged in the manner provided by law.

On consideration of the provisions of this deed, and of the conditions and restrictions therein contained, I find that the form of the deed is such that it conveys a certain parcel of land, therein described, to the State by fee simple title, subject to a condition subsequent, that the title to such property shall revert to the grantor, or his heirs and assigns, on the failure of the State to use such property for fire prevention purposes.

With respect to the easement granted by the warranty deed, it is further stipulated that if the right of way described in the deed for a road and telephone line should no longer be required and should cease to be used for forest fire prevention purposes or for public travel, then such easement shall become null and void and shall revert to the grantor, or his heirs or assigns.

Although in each of these deeds there is a recital that the property therein described is conveyed to the State in consideration of one dollar and other good and valuable considerations, the letter enclosed with your communication from the State Forester, Edmund Secrest, shows that this conveyance is in fact a donation or gift of the parcels of land conveyed. In this connection it is noted that by the provisions of Section 18, General Code, the State is authorized to receive by way of gift, lands or other properties and to hold and apply the same according to the terms of the gift. As to this, it is further noted that, under the provisions of Section 1171, General Code, the Board of Control of the Ohio Agricultural Experiment Station is authorized to receive and hold in trust, in the name of the State of Ohio,

and for the use and benefit of the Ohio Agricultural Experiment Station, grants of land and to apply the same to the general or special use of the Ohio Agricultural Experiment Station, as directed by the donor.

It is quite clear, therefore, from the statutory provisions above referred to that the Ohio Agricultural Experiment Station, through its Board of Control, is authorized to accept the conveyances of the parcels of land here in question, in the name of the State of Ohio and for the use and purposes indicated in such conveyance.

I am, therefore, accordingly approving this deed as to legality and form, as is evidenced by my approval endorsed upon the deed and am returning herewith the deed form.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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4884.

#### CAREY ACT—COUNTY COMMISSIONERS UNAUTHORIZED TO GIVE CASH RELIEF UNDER CAREY ACT.

##### *SYLLABUS:*

*A Board of County Commissioners has no power in the administration of funds derived from the sale of bonds issued under the authority of Section 2 of House Bill 501 (116 O. L. 571), enacted at the regular session of the 91st General Assembly, to extend aid by way of "cash relief".*

COLUMBUS, OHIO, November 9, 1935.

HON. FRANK T. CULLITAN, *Prosecuting Attorney, Cleveland, Ohio.*

DEAR SIR:—I am in receipt of your communication which reads as follows:

"I have been requested by the Board of County Commissioners of Cuyahoga County to obtain your opinion upon the following question:

Whether in the administration of funds derived from the sale of bonds issued under the authority of Section 2 of House Bill 501, passed May 23, 1935, (116 O. L. 571), it is permissible to extend aid by way of cash relief, instead of direct relief."

Section 2 of House Bill No. 501, the so-called Carey Act (116 O. L.