

toxicating 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.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

3460.

APPROVAL, BONDS OF PARMA CITY SCHOOL DISTRICT, CUYA-HOGA COUNTY, OHIO, \$1,000.00.

COLUMBUS, OHIO, November 16, 1934.

Industrial Commission of Ohio, Columbus, Ohio.

3461.

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

COLUMBUS, OHIO, November 17, 1934.

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

DEAR SIR:—You have submitted for my examination and approval an abstract of title to certain tracts of land in Andover Township, Ashtabula County, Ohio, which tracts, 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, Pennsylvania, may be used as a public park and as public hunting and fishing grounds or territory.

The tracts of land above referred to are parts of Lots 45 and 46 of the original survey of said township, and are bounded and described as follows:

Parcel 1.

Beginning at the intersection of the center line of the highway running East and West between Lots Nos. 45 and 46 with the center

line of the highway running North and South on the West line of said Lots Nos. 45 and 46, said point of intersection being known as Monument "G" on survey made by R. N. Case, County Surveyor of Ashtabula County, Ohio, and recorded May 20th, 1919, in Volume 4, at Page 96, of Ashtabula County Records of Surveys; thence North 89 deg. 45' East along the center of said East and West highway, a distance of 1664.5 feet to the North-West corner of lands formerly owned by William and Ida Webb, in said Lot No. 46; thence South along the West line of said Webb lands, a distance of 1302.1 feet to the North line of lands formerly owned by the heirs of Theodore L. Wade; thence North 89 deg. 54' West, a distance of 837.8 feet to a point; thence North 0 deg. 51' East, a distance of 268.7 feet to one of the North-East corners of said Wade lands; thence South 89 deg. 27' West, a distance of 829.7 feet to the center of said North and South highway; thence North 0 deg. 9' West, along the center of said highway, 1043.3 feet to the place of beginning, and containing about 45 acres of land.

Parcel 2.

Beginning at a point in the center of the highway running North and South along the West line of said Lot No. 45, at the North-West corner of lands formerly owned by Margaret Stratton, now owned by The Realty Guarantee and Trust Company, said point of beginning being North 0 deg. 14' West, a distance of 2004.5 feet, measured Northerly along the center of said highway from Monument "G" as described in Sub-Parcel One herein; thence North 80 deg. 38' East along the North line of said Stratton lands and lands formerly owned by Roy M. Stillman, a distance of 1262.5 feet to a point in the West line of said Roy M. Stillman lands; thence North 0 deg. 14' West, along one of the West lines of said Stillman lands, a distance of 758 feet to a post in the South line of lands formerly owned by J. H. Johnson; thence Westerly along the Southerly line of said Johnson lands, to the center of said North and South highways; thence South 0 deg. 14' East, along the center of said North and South highway, a distance of 579 feet to the place of beginning, and containing about 20 acres of land.

Also the right of flowage, for reservoir purposes, in the creek flowing through the south part of the property hereinafter described and to maintain therein the water line to an elevation of 1008 feet above sea level, and which said property is bounded and described as follows:

Known as part of lot No. 35 in said township and bounded and described as follows: Beginning at the point of intersection of the center line of road, running North and South between lots No. 35 and No. 45 and the center line of road running east and west between lots No. 35 and No. 36; thence north along the center of said north and south road, a distance of about 160 rods to the north line of said lot No. 35; thence west along the north line of said lot, a distance of about 86 rods to lands, now or formerly owned by Ned H. and J. E. Baily; thence South along the east line of said Baily lands to the south line of said lot No. 35; thence east along the south line of said lot, a distance of 86 rods to the place of beginning, and containing 86 acres of land.

These tracts of land are the same as those 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 to 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 record 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 these tracts 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.