

making the assessments against the abutting property owners to pay the property owners' cost of the improvement has not been published. All other resolutions and ordinances in connection with the improvement have been published in two newspapers of opposite politics in the city.

Section 4228 G. C. provides:

"Unless otherwise specifically directed by statute, all municipal ordinances, resolutions, statements, orders, proclamations, notices and reports, required by law or ordinance to be published, shall be published as follows: In two English newspapers of opposite politics printed and of general circulation in such municipality, then in any English newspaper printed and of general circulation therein; if no English newspaper is printed and of general circulation in such municipality, then in any English newspaper of general circulation therein or by posting as provided in section 4232 of the General Code, at the option of council. Proof of the place of printing and required circulation of any newspaper used as a medium of publication hereunder shall be made by affidavit of the proprietor of either of such newspapers, and shall be filed with the clerk of the council."

There has been some correspondence upon the question as to whether or not the newspapers published in the city of Wilmington come within this classification as set out in said section 4228 G. C., and upon request by this department that certificate be furnished to that effect, communication has been received that such requirement cannot be complied with.

You are therefore advised that the proceedings had by the council of the city of Wilmington for this issue of bonds have not been published in accordance with the statutory provisions calling for such publication, and to this extent the bonds have not been issued in compliance with statutory provisions. You are therefore advised not to accept said bonds.

Respectfully,

C. C. CRABBE,

*Attorney General.*

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2571.

ABSTRACT, STATUS OF TITLE, 146 ACRES OF LAND SITUATED IN  
BENTON TOWNSHIP, HOCKING COUNTY, OHIO.

COLUMBUS, OHIO, June 17, 1925.

HON. EDMUND SECRIST, *State Forester, Ohio Agricultural Experiment Station, Wooster, Ohio.*

DEAR SIR:—An examination of a deed, abstract of title and encumbrance estimate submitted by you to this department, discloses the following:

The abstract under consideration was prepared by Harley M. Whitcraft, Abstracter, under date of December 29, 1924. The abstract was later supplemented by the addition of two affidavits, one under date of December 27, 1924, and one under date of January 22, 1925, these affidavits being inserted at the suggestion of this department in order to cover certain defects in the history of the title.

The abstract as submitted pertains to the following premises, to wit, 146 acres of land situated in Benton township, Hocking county, Ohio, and being more particularly described as follows:

*First Tract.* Being the southwest quarter of the southwest quarter of section No. 11, township No. 11, range No. 18, containing 40 acres, more or less.

*Second Tract.* Being the west half of the northwest quarter of section No. 14, township No. 11, range No. 18, except 15 acres, more or less, heretofore sold and conveyed to Lewis Huffines, leaving 66 acres, more or less.

*Third Tract.* Being the north half of the east half of the northeast quarter of section No. 15, township No. 11, Range No. 18, containing 40 acres, more or less.

Upon examination of said abstract, I am of the opinion that same shows a good and merchantable title to said premises in Jacob C. Bainter and Lavona Bainter, his daughter, unmarried. The abstract indicates that the taxes for the entire year of 1924 have been fully paid, and no other assessments or liens of any kind appear.

The warranty deed as submitted appears to be in proper form, and already executed by said Jacob C. Bainter and Lavona Bainter. However, it will be noted that the warranty deed does not indicate anything with reference to the wife of Jacob C. Bainter, and I am advised that Jacob C. Bainter has a wife now living, and that she declines to sign the deed or in any way release her right or expectancy of dower in the premises conveyed.

In view of this situation, and to cure same, it has been suggested that said grantor, Jacob C. Bainter, be required to execute to the state of Ohio a good and sufficient bond to protect the state against the possible future assertion of the dower right of said wife of Jacob C. Bainter. In accordance with this suggestion, this department has prepared and had executed a bond to cover this situation, the bond in question being attached to the abstract herewith returned to your department.

The encumbrance estimate submitted bears No. 5645, is dated January 26, 1925, and covers 146 acres of land situated in Benton township, Hocking county, Ohio, at an estimated cost of \$4,000.00 and is certified in regular form by Wilbur E. Baker, director of finance, under date of January 28, 1925.

The abstract, with the above referred to bond attached, the warranty deed and encumbrance estimate submitted by you, are herewith returned.

Respectfully,

C. C. CRABBE,

*Attorney General.*

2572.

#### HIGHWAYS—STATE AID ROAD LAW (GREEN LAW) CONSTRUED.

#### SYLLABUS:

1. *The provisions of section 6971 of the General Code, relating to the amount which shall be appropriated for the use of each township, under the provisions of the Green Law, sections 6965 to 6972, both inclusive, of the General Code, 110 Ohio laws, 267, are modified by the provisions of the appropriation act contained in enacted amended house bill No. 517 of the eighty-sixth general assembly.*

2. *Under the provisions of said appropriation act, no township may receive in excess of one thousand dollars per year as state aid.*