

The abstractor notes that there are no liens or encumbrances on said lands, except taxes for the current year. The amount of said taxes is not stated and some provision should be made for the payment of the same before the deed for said lands is taken.

I have examined the deed submitted with said abstract and find the same to be in proper form and sufficient to convey a fee simple title to the State of Ohio.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1708.

APPROVAL, ABSTRACT OF TITLE TO LAND OF PARMA MAY, IN
NILE TOWNSHIP, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, February 13, 1928.

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

DEAR SIR:—I am returning herewith with my approval abstract of title and transcript of subsequent proceedings in the Probate Court of Scioto County, Ohio, relating to certain lands in Nile Township, Scioto County, Ohio, and described as follows:

“Beginning at (and being a part of Military Survey 15847) a stone to Survey No. 13456 and 15443 and corner to Lot No. Nine in the subdivision of Survey No. 15847; thence with one line of said Lot No. 9 S. 250 poles to a stake; thence E. 254 poles to a gum and chestnut corner to Survey No. 14179; thence with one line thereof N. 27° W. 77½ poles to a dogwood in the line of Survey 13995; thence with one line thereof N. 60° W. 97 poles crossing Turkey Creek twice to a poplar and chestnut, corner to Survey No. 13457; thence with one line thereof N. 42° W. 79 poles to a stone in a field, corner to said Survey No. 15445; thence with one line thereof N. 50° 30' 94 poles to the place of beginning, containing within said boundary 201 acres, more or less, except the following, beginning at a gum and chestnut (the chestnut down) corner to survey No. 14179; thence with one line thereof N. 27° W. 77½ poles to a dogwood in line of survey 13995; thence with the line thereof N. 60° W. 39 poles to a stake and two white walnuts on said line and on the N. line of said Turkey Creek; thence S. 17½° W. 91 poles to a stake on the S. line of lot No. 9 of the subdivision of survey No. 15847; thence with the said line E. 90 poles, more or less to the beginning, containing 27¼ acres and being a part of Lot No. 9 of the subdivision of survey No. 15847, conveyed by Allen Pettry to George Frey and recorded in Vol. 111, page 585, dated April 24, 1915.

Being a part of Military Survey No. 13457 and 15443, bounded and described as follows: Beginning at a stone corner to B. W. White Survey No. 13457 to a forked maple and chestnut called for (both down); thence N. 10° E. 32 poles or 528 ft. to a stone in the edge of the Creek to a maple 5 inches in diameter marked; thence N. 18° W. 720 ft. to the center

of Turkey Creek; thence up the Creek with the meanders thereof 1200 ft. to a beech on top of a cliff on the S. side of Turkey Creek; thence S. 50½ W. 100 ft. to a stone; thence S. 48° E. 626 ft. to a stone, corner to Survey No. 13457, to a maple and gum trees all gone; thence with line of same S. 40° E. 75 poles to the place of beginning, containing 15 acres, 13 being in Survey 13457 and 2 acres in Survey 15443, being the same premises conveyed to Charles E. Shiveley by William Shiveley, Sr. and Nancy E. Shiveley, his wife by deed dated January 29, 1912 and recorded in Vol. 100, page 533, record of deeds of Scioto County, Ohio."

An examination of the abstract shows that at the time of his death, January 8, 1927, one John May owned a merchantable fee simple title to the above described lands, subject to the dower interest of his wife, Parma May, and subject to a certain mortgage originally in the sum of \$1100.00 executed by said John May and wife, to one Edward Cunningham, and subject to certain general indebtedness of his said estate. The proceedings had in the Probate Court on the petition of Parma May as administratrix of the estate of John May for the sale of the above described lands for the purpose of paying the debts of said estate is in all respects regular. The judgment entry of the Probate Court concerning the sale of said premises to the State of Ohio orders the cancellation of the mortgage of said Cunningham. Upon the payment of the purchase price of these lands you should see to it that cancellation is entered of record with respect to said mortgage of said John May and wife to Edward Cunningham, which you will find recorded in Mortgage Records 107, page 167, recorder's office, Scioto County, Ohio. You should also see that the regular and delinquent taxes against said lands amounting to \$35.01 are paid.

I have examined the corrected deed signed by Parma May, as executrix of the estate of John May, deceased, and find the same to be in all respects regular and legally sufficient to convey to the State of Ohio said lands and premises.

I am herewith returning with said abstract, the deed of said administratrix, encumbrance estimate, record of proceedings in the Probate Court with respect to the sale of said lands, and other files submitted to me touching the investigation of the title to these lands.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1709.

SUPERINTENDENT OF COUNTY HOME—POSITION MAY BE CLASSIFIED BY STATE CIVIL SERVICE COMMISSION—INCUMBENT HOLDING PROVISIONAL APPOINTMENT BY COUNTY COMMISSIONERS NO BAR TO CLASSIFICATION.

SYLLABUS:

It cannot be said as a matter of law that the position of superintendent of a county home of a county is one calling for such peculiar and exceptional qualifications of a scientific, managerial, professional or educational character as to make impracticable the filling of said position by competitive examination; and where the State Civil Service Commission has classified said position as one in the classified