

and to one W. B. Augustine of Akron, Ohio, the right to use and occupy for boat-house, docklanding, lawn and walkway purposes, the water front and state land in the rear thereof, lying immediately in front of Lot No. 41 of J. M. Thornton's Turkey Foot Allotment located on the east side of Turkey Foot Channel of Portage Lakes in Summit County, Ohio.

The stated term of said lease is fifteen years and the annual rental therein provided for is six per cent upon the appraised value of the property leased, which appraised value is the sum of one hundred dollars.

Upon examination of said lease, I find that the same has been properly executed by the conservation commissioner acting on behalf of the State of Ohio and by the lessees above named.

I likewise find that said lease, in its terms and provisions, is in conformity with the provisions of section 471, General Code, above referred to, and other statutes relating to leases of this kind.

Said lease is accordingly approved by me as to legality and form and said approval is endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned to you.

Respectfully,

GILBERT BETTMAN,

Attorney General.

3414.

APPROVAL, ABSTRACT OF TITLE TO LAND OF ELIZABETH C. WOOD
AND AGNES A. WOOD IN UNION TOWNSHIP, SCIOTO COUNTY,
OHIO.

COLUMBUS, OHIO, July 9, 1931.

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

DEAR SIR:—I am in receipt of your letter submitting for my examination and approval an abstract of title, copy of real estate option, authority of controlling board, encumbrance estimate No. 816 and executor's deed, relating to the proposed purchase of approximately 342.65 acres of land, more or less, in Union Township, Scioto County, Ohio, from the Guaranty Trust Company of New York, Elizabeth C. Wood and Agnes A. Wood, as executor and executrixes of the estate of Ada H. Wood, deceased.

The abstract of title, certified under date of February 10, 1931, reveals that a good and merchantable fee simple title to this land is held by the Guaranty Trust Company of New York, Elizabeth C. Wood and Agnes A. Wood, as executor and executrixes of the estate of Ada H. Wood, deceased, with the exception of several items hereinafter noted.

The taxes for the latter half of 1930 and all of the taxes for 1931 are now a lien upon this property.

On March 9, 1915, one G. S. Knorr, the then owner of caption land, executed a deed therefor to the said Ada H. Wood (Abstract, page 33). Nothing is said in the deed about the marital status of said grantor. Since there is a possibility that, at that time, he may have been married to a woman who may still be living, and since said instrument shows no release of dower, an investigation should be made

to ascertain whether the caption land is subject to the dower right of a spouse to whom said grantor may have been married at the time of the execution of said deed.

On January 23, 1914, one J. H. Orr, the then owner of caption land, executed, as is disclosed on page 36 of the Abstract, a bill of sale of all tie timber

“on my land 345 acres in Union Township, 8 feet and 8½ feet long white oak and chestnut oak at ten cents per tie; all black oak 8 feet and 8½ feet and chestnut, at seven and one-half cents per tie on the stump, received to apply on this amount \$5.00. J. H. Orr.”

“P. S. I agree to give Mr. O'Brien to get this tie timber off from this date.”

It is altogether probable that Mr. O'Brien has long ago exercised all of the privileges which this bill of sale purported to grant him. However, before finally concluding the purchase of the land in question, it would be expedient to ascertain whether Mr. O'Brien has ceased to take tie timber from said land.

Encumbrance estimate No. 816 is in proper form and shows that there remains in the proper appropriation account a sufficient balance to pay the purchase price of said land.

The proposed deed from said executor and executrixes to the state of Ohio contains several slight errors which should be corrected. Thus, in the third call of the description it is stated, “thence N. 21 deg. E. 29.3 poles etc.”. The given number of poles is erroneous, and it should be changed from 29.3 poles to 49.3 poles. Furthermore, in the eighteenth call the word “gunwood” is erroneously used for “gumwood”, and the first initial in the phrase “N. M. Swords' land” should be changed from “N” to “H” so that said phrase will read “H. M. Swords' land”. Otherwise, said deed is executed in proper form to convey a fee simple title to the State of Ohio.

I am herewith returning to you all of the papers above enumerated as having been received.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3415.

APPROVAL, CONTRACT FOR ROAD IMPROVEMENT IN RICHLAND
COUNTY, OHIO.

COLUMBUS, OHIO, July 9, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*