

1615.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE WESTINGHOUSE ELECTRIC AND MANUFACTURING COMPANY, COLUMBUS, OHIO, FOR THE CONSTRUCTION OF AN UNDERFEED STOKER IN THE POWER PLANT, OHIO STATE UNIVERSITY, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$6,524.00—SURETY BOND EXECUTED BY THE NATIONAL SURETY COMPANY.

COLUMBUS, OHIO, January 23, 1928.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for and on behalf of the Board of Trustees of Ohio State University, and The Westinghouse Electric and Manufacturing Company, of Columbus, Ohio. This contract covers the construction and completion of an underfeed stoker in the power plant, Ohio State University, Columbus, Ohio, and calls for an expenditure of six thousand five hundred and twenty-four dollars (\$6,524.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also submitted a certificate from the Controlling Board, signed by the secretary thereof, that in accordance with Section 12 of House Bill No. 502, 87th General Assembly, said board has properly consented to and approved the expenditure of the monies appropriated by the 87th General Assembly for the purpose covered by this contract. In addition, you have submitted a contract bond upon which the National Surety Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the law relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1616.

APPROVAL, ABSTRACT OF TITLE TO LAND IN BENTON TOWNSHIP, HOCKING COUNTY, OHIO.

COLUMBUS, OHIO, January 23, 1928.

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

DEAR SIR:—You have submitted an abstract of title prepared and certified by J. H. Fultz, abstracter, of Lancaster, Ohio, under date of September 7, 1927, accompanied by an encumbrance estimate, certificate of the Controlling Board and a deed

pertaining to the following premises, situate in the township of Benton, County of Hocking and State of Ohio, and more particularly described as :

A part of the northwest quarter of section number thirteen (13) and a part of the northeast quarter of section number fourteen (14) of said Benton township No. 11, county and state aforesaid, and bounded by beginning at the northwest corner of said section number thirteen (13) ; thence east eighty-two (82) rods ; thence south one hundred and sixty-two (162) rods ; thence west eighty-two (82) rods to the line between sections thirteen and fourteen ; thence north forty-two (42) rods ; thence west eighty (80) rods ; thence north forty-two (42) rods ; thence east eighty (80) rods to said section line ; thence north eighty (80) rods to the place of beginning, containing one hundred and three (103) acres of land more or less.

An examination of the abstract discloses that Etta DeVore has a good and merchantable title to said premises as of September 7, 1927, subject to the following encumbrances :

1. A mortgage to C. M. Rowlee, executed January 3, 1927, recorded in Vol. 40, page 412, of the Hocking County Mortgage Records, given to secure the payment of her note for \$330.00. The amount of the interest on the note and any credits thereon are not stated.
2. The 1926 taxes, the December installment amounting to \$12.31 with penalty, and the June installment amounting to \$11.19 with penalty.
3. The 1927 taxes.

The encumbrance estimate is numbered 3246 and is dated September 13, 1927, showing the appropriation of \$850.00 for the purchase of this property out of unexpended balances in the fund known as "Appropriation Account, Division of Forestry, G-1 Lands," House Bill No. 502. It has been properly executed and certified and I herewith approve the same.

A copy of the certificate of the secretary of the Controlling Board, dated October 4, 1927, shows the grant of authority by that board for the purchase of the land under investigation from Etta DeVore.

The deed is in form a warranty deed and was executed by Etta DeVore and A. J. DeVore, her husband, on the 10th day of September, 1927, and by them acknowledged on the same day before a notary public. This deed warrants the land against all claims,

"except the saw timber thereon heretofore sold to Alva Wagner of Baltimore, Ohio, and a certain mortgage now held by C. M. Rowlee of Lancaster, Ohio, as recorded in Vol. 40, at page 412, Hocking County, Ohio, Mortgage Records, given to secure the payment of \$330.00."

I call these exceptions to your attention, because it may be that by the terms of the contract with Etta DeVore you were neither to assume the payment of this note nor to deliver the saw timber to Alva Wagner. Otherwise, the deed is approved and will, when delivered, convey title to the land under consideration to the State of Ohio, its successors and assigns, but subject to the encumbrances noted.

I herewith return the abstract of title, the encumbrance estimate, the deed and the copy of the Controlling Board's certificate.

Respectfully,
EDWARD C. TURNER,
Attorney General.