

1281.

DEEDS—QUIT CLAIM AND WARRANTY TO STATE FROM W. T. WASHAM, LOTS 1 AND 2, GLOBE ADDITION TO CITY OF JACKSON AND PART OF LOT 53, SCIOTO SALT RESERVE LAND, TOWNSHIP 7, RANGE 18, JACKSON COUNTY.

COLUMBUS, OHIO, October 7, 1939.

HON. ROBERT S. BEIGHTLER, *Director, Department of Highways, Columbus, Ohio.*

DEAR SIR: You have submitted for approval quit claim deed from W. T. Washam to the State of Ohio purporting to convey Lots Nos. 1 and 2 in the Globe Addition to the City of Jackson and part of Lot No. 53, Scioto Salt Reserve Land in Township 7, Range 18, Jackson County, warranty deed from S. W. Murphy et ux, to W. T. Washam purporting to convey Lot No. 1 mentioned above, also deed from The Globe Iron Company to W. T. Washam purporting to convey Lot No. 2 mentioned above, also certificate of title prepared by E. E. Eubanks. Such certificate of title shows the title to Lots Nos. 1 and 2 in the Globe Addition to the City of Jackson to be good in the grantor of the deed to the State of Ohio, subject to the following defects:

In the deed from The Globe Iron Company to Miles Stiffler shown as Item 32 of the abstract, The Globe Iron Company reserves the coal underlying Lot No. 1. Such coal rights do not appear to have been conveyed to W. T. Washam. If it is desirable to obtain a release of this reservation, it will be necessary to obtain a new deed from The Globe Iron Company conveying such rights.

Such abstract further shows the title of W. T. Washam to that part of the premises referred to in the abstract as part of Lot 53 as mentioned above, defective in the following respects:

In 1832 the State of Ohio conveyed the property to one John Bennett. The abstract shows no conveyance of the title to Lot 53 from such John Bennett (see Item 2 of abstract). In Item 3 the Governor of the State of Ohio purports to convey the whole of Lot 53 to David Mitchell from whom the certificate shows the title to have passed in an unbroken chain to the grantor in the enclosed deed, W. T. Washam. In order to clear up the title to the premises, it will be necessary either to obtain a deed from the heirs of John Bennett or to otherwise establish a method by which the title to such Lot 53 returned to the State of Ohio after having been conveyed as set forth in Item 2 of the abstract, or it will be necessary to establish that David Mitchell and the persons claiming

title under and through him have obtained title by adverse possession to the premises being conveyed by the enclosed deed. Until such break in the chain of title is corrected, I would be unwilling to state that the State of Ohio would obtain good title by the deed herewith enclosed.

I am enclosing herewith the abstract mentioned above, letter of H. D. Defenbacher, President of the Controlling Board, to the Director of Highways dated June 20, 1939, deed from W. T. Washam to the State of Ohio mentioned above, also deeds from S. W. Murphy et ux to W. T. Washam and from The Globe Iron Company of Jackson to W. T. Washam; lease from W. T. Washam to the State of Ohio dated April 21, 1927, and letter from Arthur A. Peake to H. D. Metcalf dated June 7, 1939.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

1282.

BONDS — SALEM-ADAMS RURAL SCHOOL DISTRICT, MUSKINGUM COUNTY, \$800.00.

COLUMBUS, OHIO, October 10, 1939.

Retirement Board, State Teachers' Retirement System, Columbus, Ohio.

GENTLEMEN:

RE: Bonds of Salem-Adams Rural School District, Muskingum County, Ohio, \$800.00. (Limited.)

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise all of an issue of school improvement bonds in the aggregate amount of \$800.00, dated September 15, 1939, and bearing interest at the rate of 4% per annum.

From this examination, in the light of the law under authority of which the above bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute valid and legal obligations of said rural school district.

Respectfully,

THOMAS J. HERBERT,
Attorney General.