

1827, 25 O. L., pages 56, 64. The deed executed by Governor Lucas was defective in that the same was not countersigned by the Secretary of State, as required by said Act. A part of the lands covered by this conveyance later passed by mesne conveyances to one Impertus Martin and to one George D. Platt, who, as tenants in common, of the property owned and held by them, in the year 1866, laid out and filed for record, a plat of Out Lots in Canton Township, Stark County, Ohio. Thereafter, in 1892, when the Out Lots in the City of Canton, Ohio, were renumbered, Lots Nos. 4 and 5, in Martin and Platt's Addition, became Out Lots Nos. 173 and 174, of said City of Canton.

In 1909, one J. R. Mathews, being the owner of Out Lots No. 173 and 174, divided the same as an addition to said city, and said lot No. 14804 is one of the lots in said addition.

Section 8528, General Code, provides as follows:

"When, by satisfactory evidence, it appears to the Governor and Attorney General, that an error has occurred in a deed executed and delivered in the name of the state, under the laws thereof, or in the certificate of any public officer, upon which, if correct, a conveyance would be properly required from the state, the Governor shall correct such error by the execution of a correct and proper title deed, according to the intent and object of the original purchase or conveyance, to the party entitled to it, his heirs, or legal assigns, as the case may require, and take from such party a release in due form, to the state, of the property erroneously conveyed."

After a careful examination of the records and other evidence submitted, I find that an error occurred in the deed executed by Governor Lucas to Adam Kimmell and Joseph Kimmell, predecessors in title of Ida Sarno and Peter Sarno to the property here in question; and inasmuch as under the provisions of Section 8523, General Code, it is made the duty of the Auditor of State to draft deeds to be executed by the Governor in cases of this kind, it is suggested that you prepare in proper form a deed to be executed by the Governor, conveying to Ida Sarno and Peter Sarno said lot No. 14804, in J. R. Mathews' subdivision of Out Lots Nos. 173 and 174 in the City of Canton, Ohio, as the same is recorded in Volume 7, page 78, Stark County Recorder's Office, Canton, Ohio. Said deed, when so prepared, will of course contain the proper recitals in the usual form as to the purpose and intended effect of said deed.

Respectfully,

GILBERT BETTMAN,

Attorney General.

1802.

APPROVAL, BONDS OF MORROW COUNTY—\$17,800.64.

COLUMBUS, OHIO, April 21, 1930.

Industrial Commission of Ohio, Columbus, Ohio