

2037.

APPROVAL, ABSTRACT OF TITLE TO LAND OF R. T. LAWSON AND WIFE,  
IN NILE TOWNSHIP, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, April 30, 1928.

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

DEAR SIR:—Under recent date you have submitted to me for my examination and approval an abstract, certified by the abstracter, under date of February 13, 1928, and a warranty deed, signed by R. T. Lawson and wife, covering the following described real estate:

Situate in Niles Township, Scioto County, Ohio, and being the whole of Survey No. 16090, EXCEPTING a parcel of Twenty-five acres that was heretofore carved out as hereinafter described.

Said lands being bounded and described as follows, to-wit:

BEGINNING at two white oaks, easterly corner to Survey No. 11347 and corner to Survey No. 10562 of 125 acres;

Thence, with the lines thereof, N. 63 E. 44 poles to a pitch pine and red oak;

Thence E. 78 poles to a white oak and black oak corner to said Survey;

Thence N 41½ E 15 poles to two white oaks, southerly corner to J. Pyles Survey No. 15589;

Thence with the lines thereof N 40 W 195 poles to two hickories and a red bud;

Thence S 77 W 90 poles to four hickories;

Thence N 22 W 70 poles to a pine and three chestnut oaks from one root;

Thence W 110 poles to a stake in the line of aforesaid Survey No. 11347;

Thence S 35½ E 100 poles to a stake in said line corner to Survey No. 15697;

Thence with a line thereof E 63 poles to five pines and two red oaks corner to Survey No. 15529;

Thence with the lines thereof, N 79 E 30 poles to a poplar white oak and gum;

Thence S 45 E 42 poles to a white oak;

Thence S 47 poles to a pine, red oak and white oak;

Thence S 22½ E 60 poles to two white oaks corner to said Survey;

Thence, with a line of Survey No. 11347, S 61¼ E 40 poles to the beginning.

CONTAINING 300 acres, more or less.

As the same was originally entered and surveyed for Andrew D. Kendrick as shown and delineated in the Record of Virginia Military Surveys in Scioto County, Book No. 1, page No. 225, and conveyed by The Trustees of The Ohio Agricultural and Mechanical College to Samuel Kendrick by deed dated October 28, 1874, and of record in Deed Book No. 22 at page No. 404 of the Scioto County, Ohio, Records of Deeds.

EXCEPTING out from the above a certain parcel of Twenty-five (25) acres, carved out by Philip Arnold, a former owner of the whole Survey, and

conveyed to Rosa Arnold by a deed dated March 29, 1906, and recorded in Deed Book No. 83 at page No. 413 of the Scioto County Records;

The said EXCEPTED 25 acres parcel being described therein as follows:

BEGINNING at a white oak corner of Daniel Thatcher's land;

Thence, running with line of said Survey about 100 yards to a drain above the School House;

Thence, up to the top of the Ridge between Kinney Hollow and Old House Hollow;

Thence around the Ridge to the line of Williams land;

Thence with said line back to the beginning, containing land on Kinney Hollow.

Being about 25 acres and Survey No. 16090 as the same is described in above deed of Philip Arnold to Rosa Arnold.

From my examination of the abstract of title submitted to me, I find that said R. T. Lawson has a good and merchantable fee simple title to the above described lands, free and clear of all liens and encumbrances, except the taxes for the year 1928, the amount of which is as yet undetermined. These taxes are now a lien on said premises.

I have examined the warranty deed submitted with said abstract and find the same to be properly executed and acknowledged by said R. T. Lawson and Essie M. Lawson, and said deed is in form sufficient to convey to the State of Ohio a fee simple title to said lands free and clear of all encumbrances whatsoever.

I have examined encumbrance estimate No. 3382, relating to the purchase of the above described lands, and find the same to be in proper form showing that there are unencumbered balances in the appropriation account sufficient to pay the purchase price of said property. I note, however, that although said encumbrance estimate is signed by the Bursar and the Director of Department, the same has not been signed by the Director of Finance, who alone is authorized to certify that there are unencumbered balances legally appropriated sufficient to pay for said property; and the approval of this department of the proceedings relating to the purchase of this property is subject to the requirement that the signature of the Director of Finance be secured to said encumbrance estimate.

With said encumbrance estimate there is submitted a copy of a certificate, over the signature of the Secretary of the Controlling Board, showing that the purchase of this property has been approved by said board.

I herewith return to you said abstract, deed, encumbrance estimate and Controlling Board certificate.

Respectfully,

EDWARD C. TURNER,  
*Attorney General.*

2038.

MUSKRAT FARM—WHAT CONSTITUTES SAME IS QUESTION OF FACT  
—FACTS TO BE CONSIDERED.

*SYLLABUS:*

1. *What constitutes a muskrat farm or enclosure, within the terms of Section 1398, General Code, is a question of fact to be determined from all the facts and circumstances in each particular case.*