

40.

APPROVAL, NOTES OF CARROLL VILLAGE SCHOOL DISTRICT, FAIRFIELD COUNTY—\$115,000.00.

COLUMBUS, OHIO, January 31, 1929.

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

41.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF BOYD GOSS IN LAUREL TOWNSHIP, HOCKING COUNTY.

COLUMBUS, OHIO, January 31, 1929.

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

DEAR SIR:—This is to acknowledge receipt of your communication of recent date, submitting for my examination and approval abstract of title, warranty deed and other files relating to tracts of land in Laurel Township, Hocking County, Ohio, which stand of record in the name of Boyd Goss, Clyde Goss and C. I. Goss, aggregating $37\frac{1}{2}$ acres and which are more particularly described as follows:

Being a part of the west half of the southwest quarter of Section 19, Township 12, Range 18, Hocking County, Ohio. Beginning at a point on the south line of said half section 6.34 chains east of the southwest corner of said half quarter; thence north 33.99 chains to the center of the County Road; thence by said road 60 degrees east 2.66 chains; thence $88\frac{1}{2}$ degrees east 6.61 chains; thence north $77\frac{3}{4}$ east 2.21 chains; thence leaving said road south 32.29 chains to the south line of said half quarter; thence 11.02 chains to the beginning, containing 35.50 acres. Also the following described real estate, situate in the Township of Laurel, County of Hocking and State of Ohio, and bounded and described as follows: Being a part of the west half of the southwest quarter of Section 19, Township 12, Range 18, Hocking County, Ohio. Beginning at the southeast corner of said half quarter; thence north 33.10 chains to the center of County Road $77\frac{3}{4}'$ west 3.79 chains; thence leaving said road south 32.29 chains to the south line of said half quarter; thence east 3.70 chains to the beginning, containing twelve acres.

Save and excepting ten acres heretofore sold and conveyed to Fred Butler and his wife, Crilla Butler, off of the south end of the united acreage of the above described tracts.

Upon examination of the abstract of title submitted, I find that said Boyd Goss, Clyde Goss and C. I. Goss are the owners of record of the above described lands, but that their title thereto is subject to the following exceptions:

1. The description of the land here in question is defective in that the ten acres therein referred to, heretofore sold and conveyed to Fred Butler and his wife, Crilla Butler, is not described. The deed whereby said ten acres was conveyed to Fred Butler and Crilla Butler should be abstracted and the description of the land therein con-

veyed should be made a part of the abstract. In this way, the identity of the land here in question can be ascertained.

2. The abstract shows that under date of June 25, 1841, a patent was issued to one John A. Collins for the west half of the southwest quarter of Section 19, Township 12 of Range 18. There is no further history of the title to the land covered by this patent until April 10, 1854, at which time J. M. Floyd, sheriff of Hocking County, conveyed said land to John A. Collins pursuant to an order of the Common Pleas Court of Hocking County upon an execution against John Stump and John Six. There is nothing in the abstract to show how said John Stump and John Six obtained title to the land covered by said original patent to John A. Collins.

3. The abstract shows that on November 19, 1877, John Crawford, one of the administrators of the estate of William McFarland, deceased, sold and conveyed the west half of the southwest quarter of Section 19, Township 12, Range 18, to F. F. Rempel. It appears from the abstract of the deed whereby this conveyance was made that said deed was executed pursuant to an order of the Common Pleas Court of Hocking County, in a proceeding of some kind, affecting the estate of William McFarland, deceased, who, apparently, died seized of said land. The proceedings in the Common Pleas Court of said county should be sufficiently abstracted so as to show the nature of said proceedings and the jurisdiction of the court over the persons of the heirs and next of kin of said William McFarland, deceased. To this end, the abstract should show whether said persons were made parties defendant in said proceedings, and if so, whether they were brought into court by service of summons or by entry of appearance.

4. It appears from the abstract that on November 7, 1917, Levin E. Lutz sold and conveyed the caption lands above described to Thresa Hutchison Sullivan. Further in the chain of title to said lands, it appears that on July 14, 1926, Theresa Shisler and Ira Shisler, her husband, conveyed said lands to Catherine E. Good. I assume that Thresa Hutchison Sullivan is the same person thereafter mentioned as Theresa Shisler. However, information on this point should be furnished and made a part of the abstract.

5. The abstracter, in his certificate to this abstract, states that the same contains all the instruments of record as shown by the Recorder's office in Hocking County, Ohio, which might, in any way, affect the title. It is suggested that said abstracter examine the records of the Common Pleas Court of said county to ascertain whether there are any judgments against the present record owners of said land or against any of their predecessors in title back for a period of twenty-one years or more. The certificate of the abstracter should further state whether or not there are any pending actions in said court against the present owners of said land or their predecessors in title which might affect the title to said land. An examination should further be made with respect to foreign executions in the office of the sheriff with respect to the lands here under consideration.

An examination of the warranty deed signed by Boyd Goss, Clyde Goss and C. I. Goss and their respective wives shows that the same has been properly executed and acknowledged and that it is in form sufficient to convey to the State of Ohio a fee simple title to the lands here in question, free and clear of all encumbrances, subject to the following exception relating to the description of said lands. The description of said lands in said deed should be corrected by inserting, at the end thereof a reference to the volume and page of the deed record of Hocking County, where the conveyance to Fred Butler and Crilla Butler is recorded.

I am herewith returning to you said abstract of title and warranty deed, together with encumbrance estimate No. 4739 and Controlling Board certificate relating to these lands.

When said abstract and deed have been corrected to meet the objections above

noted, the same, together with the other files above referred to, should be again submitted to this department for examination and approval.

Respectfully,
GILBERT BETTMAN,
Attorney General.

42.

APPROVAL, DEEDS TO MIAMI AND ERIE CANAL LANDS IN THE CITY OF CINCINNATI—4 GRANTEES.

COLUMBUS, OHIO, January 31, 1929.

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

DEAR SIR:—This will acknowledge receipt of your recent communication enclosing deeds for four parcels of surplus Miami and Erie Canal Lands in the city of Cincinnati, Ohio, which parcels are to be conveyed in accordance with the provisions of Amended Senate Bill No. 123 as passed by the 87th General Assembly of Ohio (112 O. L. 210).

The deeds enclosed are as follows:

<i>Parcel No.</i>	<i>Names and Addresses of Grantees.</i>	<i>Consideration.</i>
21	Edward and Harry Wilke, Cincinnati, Ohio.....	\$297 00
67	Joseph and Frances Frierdick, Cincinnati, Ohio.....	498 00
68	Joseph and Frances Frierdick, Cincinnati, Ohio.....	475 00
69	Joseph and Frances Frierdick, Cincinnati, Ohio.....	444 00

I have examined the forms submitted and am of the opinion that they are in conformity with law. You are accordingly advised that these deeds have my approval as to form.

By virtue of the provisions of Section 9 of the Act hereinabove referred to, the sales of these tracts are made by you subject to the approval of the Governor and the Attorney General. These sales meet with my approval, and I have accordingly endorsed my approval upon the forms submitted which are herewith returned.

Respectfully,
GILBERT BETTMAN,
Attorney General.

43.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE HOCKING VALLEY RAILWAY COMPANY FOR THE ELIMINATION OF GRADE CROSSING AT ORLAND, VINTON COUNTY, OHIO.

COLUMBUS, OHIO, January 31, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by and through Robert N. Waid, Director of Highways, as first party,