

selling and conveying any and all of her property situate in the Township of Franklin, County of Adams and State of Ohio, consisting of 285 acres, more or less, which power of attorney was executed on the 18th day of June, 1926, and acknowledged by her the same day before a Notary Public, and recorded September 29, 1926, in Vol. 1, pages 72 and 73 of the Records of Adams County, Ohio.

2. The June 1926 instalment of the 1925 tax is unpaid in the sum of \$11.00, as certified by the abstracter.

3. Although the abstracter does not certify taxes for 1926 as being unpaid, yet it is a reasonable assumption that the 1926 taxes are not paid, but the amount is not shown on the abstract.

4. The 1927 taxes, amount undetermined, are now also a lien.

The encumbrance estimate contains a certificate of the Director of Finance, that there are unencumbered balances legally appropriated in the Division of Forestry, G-1 Lands, sufficient to cover the purchase price.

The deed submitted is sufficient to convey said premises to the State when properly delivered, although your attention is directed to the fact that the consideration stated in the deed is \$1,425.00, whereas, the encumbrance estimate calls for the payment of \$1,415.00.

The abstract and accompanying data, the deed and encumbrance estimate are herewith returned.

Respectfully,
EDWARD C. TURNER,
Attorney General.

881.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND IN BENTON TOWNSHIP, PIKE COUNTY, OHIO.

COLUMBUS, OHIO, August 16, 1927.

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

DEAR SIR:—You have submitted for my opinion an abstract of title last continued by B. E. Crabtree, and by him certified on September 11, 1926, which is accompanied by the deed of John F. Vincent and Lissie Vincent, his wife, for the following described premises, situate in Benton Township, Pike County, Ohio; and in the Virginia Military District and bounded and described as follows:

"First Tract. Beginning at a Hickory and two Gums; thence W. 80 p. to two W. O. and Locust; thence N. 55 E. 26 p. to two Poplars; thence N. 9 W. 45 p. to a Poplar and Hickory; thence S. 73 W. 72 p. to two W. Walnuts and Sugar Tree; thence N. 80 W. 20 p. to a stone 10 lks. east of a Sugar Tree; thence S. 10 W. 82.6 p. to a stone; thence S. 80 E. 13 p. to two Chest. Oaks; thence S. 44 E. 40 p. to a Hickory and Locust; thence N. 85½, E. 93 p. to two W. Oaks; thence S. 58 E. 20 p. to a Hickory and B. Oak; thence S. 40 E. 34 p. to a B. Oak, W. Oak and Hickory; thence N. 78 E. 47 p. to a W. Oak, Hickory and Ash; thence N. 1 W. 64 p. to the beginning. Containing 125.75 acres, more or less.

Second Tract. Beginning at a stone, thence N. 10 E. 62 3/5 p. to two W. O. and Hickory; thence S. 80 E. 29 p. to a stone; thence N. 10 E. 82 8/10 p. to a stone 10 lks. E. of a Sugar Tree; thence N. 80 W. 129 p. to a W. O. (down) in the line of Rodger's Survey No. 12898; thence with a line thereof S. 8 E. 45 p. to a Pop. (dead); thence N. 74 W. 45 1/2 p. to a small Walnut; thence with the meanderings of the road S. 22 E. 97 p. to a stone; thence S. 10 E. 32 p. to a stone; thence N. 78 deg. 50' E. 63 2/5 p. to the beginning. Containing 115 acres more or less. Said First and Second Tracts containing in the aggregate, 240.75 acres, more or less."

The trouble with this abstract and deed is that it does not have a definite starting point from which the bearings can be calculated, and before I can finally pass on either the abstract or the deed it will be necessary to have a definite starting point with reference to some section line, survey line or permanent monument; and for this purpose, the deed and the abstract are returned.

In addition, it is noted that the deed shows certain erasures and corrections. It has been the practice of this department when erasures, corrections or interlineations were apparent on an instrument of this character, to have the body of the instrument show that such erasures, corrections or interlineations were made prior to the signing and execution of such instrument.

Permit me further to advise that the deed is made to the State of Ohio without reference to successors and assigns. In the habendum clause, the State of Ohio and its successors are mentioned without reference to assigns; and the same is true in the covenant clause.

It is therefore, my opinion that the deed when redrafted should also be changed so that the "State of Ohio and its successors and assigns" are used in the granting, habendum and covenant clauses.

Respectfully,
EDWARD C. TURNER,
Attorney General.

882.

APPROVAL, 4 GAME REFUGE LEASES.

COLUMBUS, OHIO, August 16, 1927.

Department of Agriculture, Division of Fish and Game, Columbus, Ohio.

GENTLEMEN:—This will acknowledge your letter of recent date in which you enclose the following Game Refuge Leases, in duplicate, for my approval:

No.	Name	County	Township	Acres
979	W. E. Watkins,	Delaware,	Thompson	269
984	Mrs. Elmer N. Sellers,	Morrow	Cardington	203
990	John H. Merchant,	Delaware	Thompson	90
991	Sarah & Phil McCarthy.	Hocking	Falls	657

I have examined said leases, find them correct as to form, and I am therefore returning the same with my approval endorsed thereon.

Respectfully,
EDWARD C. TURNER,
Attorney General.