

3094.

ABSTRACT, STATUS OF TITLE, TO PREMISES IN SECTIONS 26 and 32
OF TOWNSHIP 11, WATERLOO TOWNSHIP, ATHENS COUNTY,
OHIO.

COLUMBUS, OHIO, January 25, 1926.

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

DEAR SIR:—Examination of an abstract of title, warranty deed, encumbrance estimate and the certificate of the Director of Finance with reference to the action of the Controlling Board under the provisions of section 12 of the general appropriation act of the 86th General Assembly submitted by you to this department for examination and approval, discloses the following:

The abstract under consideration was prepared and finally certified under date of January 22, 1926, and pertains to the following premises:

Being 225.58 acres of land located in sections 26 and 32 of township 11, range 15, Ohio River Survey, Waterloo township, Athens county, Ohio.

Upon examination of said abstract, I am of the opinion that same shows a good and merchantable title to said premises in Lydia A. Hibbard, subject to the following exceptions:

At page 26 of the abstract there appears an uncanceled mortgage in the sum of \$2,000 covering that part of the premises under consideration located in the east half of section 32. There also appears a release of said mortgage with reference to a part of the premises therein described, but there does not appear any release with reference to that part included in the present abstract. However, in view of the fact that the mortgage in question bears date of December 16, 1879, and that the note secured by same was given for three years, the statute of limitations against the mortgage in question probably began to run as early as 1882, more than thirty-four years ago; and in view of this situation it is believed that this deficiency may be disregarded.

There also appears some other irregularities in the abstract, especially with reference to the conveyance shown at page 18 which does not indicate whether or not the grantors are married or single. However, in view of the fact that the conveyance was made in 1868, and the lapse of over fifty-eight years, it is believed the possibility of the assertion of any right of dower is very remote, and therefore this deficiency may be disregarded.

Attention is directed to the certificate of the abstracter which discloses that the taxes for the last half of the year 1925 due and payable in June, 1926, are as yet unpaid. This should be taken care of before the final consummation of this purchase.

It is further suggested that the proper delivery of the already executed deed submitted with the abstract will be sufficient to convey the title of said premises to the State of Ohio.

Encumbrance Certificate No. 541, as submitted, covers the premises under consideration, and has been properly certified by the Director of Finance under date of January 13, 1926.

The certificate of the Director of Finance to the effect that the Controlling Board has approved the purchase of the premises under consideration has also been submitted, and is sufficient evidence of the action of said board.

The abstract of title, warranty deed, and the certificate of the Director of Finance with reference to the action of the Controlling Board submitted by you are herewith returned.

Respectfully,
C. C. CRABBE,
Attorney General.

3095.

APPROVAL, BONDS OF FARMINGTON TOWNSHIP RURAL SCHOOL DISTRICT, TRUMBULL COUNTY, \$8,000.00.

COLUMBUS, OHIO, January 25, 1926.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

3096.

APPROVAL, BONDS OF VILLAGE OF MINERVA, STARK COUNTY, \$15,000.00.

COLUMBUS, OHIO, January 25, 1926.

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

3097.

DISAPPROVAL, BONDS OF CANFIELD VILLAGE SCHOOL DISTRICT, MAHONING COUNTY, \$15,000.00.

COLUMBUS, OHIO, January 25, 1926.

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

Re: Bonds of Canfield village school district, Mahoning county, \$15,000.00.

GENTLEMEN:—The foregoing bonds have been issued under the provisions of section 7630-1, General Code, and are based upon an order prohibiting the use of the former school building of said village school district and which order bears the signature of George H. Hamilton, chief deputy. The transcript shows no approval of the order by the director of the Department of Industrial Relations.

In the case of Industrial Commission of Ohio et al., vs. Bert Snyder et al., which was submitted to the Supreme Court of Ohio a few months ago, said court held as follows: