

For the foregoing reasons it is my opinion that:

1. By virtue of the provisions of Section 2917, General Code, the prosecuting attorney is the legal adviser of the county treasurer, and it is the duty of the prosecuting attorney to represent the county treasurer and to prosecute all suits and actions, which the county treasurer may direct or to which he is a party, including suits and actions for the collection of personal taxes.

2. By the express terms of Section 2917, General Code, no counsel or attorney other than the prosecuting attorney may be employed to represent the county treasurer, unless such employment be authorized by the common pleas court, upon the application of the prosecuting attorney and county commissioners, as provided in Section 2412, General Code.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

628.

DISAPPROVAL, ABSTRACT OF TITLE TO "GUILFORD LAKE PARK"  
LAND, HANOVER TOWNSHIP, COLUMBIANA COUNTY, OHIO.

COLUMBUS, OHIO, June 16, 1927.

HON. GEORGE F. SCHLESINGER, *Director of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—YOU have submitted for my opinion an abstract of title prepared by McMillan & Kelso, Abstracters at Lisbon, Ohio, certified under date of May 23, 1927, covering land known as Tract No. 3, Guilford Lake Park, containing 8.63 acres of land, situate in the Township of Hanover, County of Columbiana and State of Ohio, and being a part of a larger tract of land owned by William D. Coy, described as follows:

Being part of the northwest quarter of Section 11, Township 15 and Range 4, beginning at a stone planted at the northwest corner of said quarter section and running thence with the north line of the same east 31 chains and 81 links to a corner; thence south 20 chains and 45 links to a corner and stone in State road; thence north 75° west 1 chain and 76 links to a post in said road; thence south 15° west 4 chains and 11 links to a post; thence north 80° and 40' west 6 chains and 26 links to a post; thence north 5° east 5 chains and 44 links to a post in said State Road; thence with said road north 75° west 6 chains 89 links to a post; thence north 86° west 10 chains and 45 links to a post on the west line of said section; thence with the same north 16 chains and 89 links to the place of beginning and containing 58.49 acres more or less.

Upon examination of the submitted abstract I am of the opinion that the same shows a good and merchantable title to the 58.49 acres, from which the 8.63 acres, known as Tract No. 3, is to be purchased, in William D. Coy, subject to the following:

1. An uncancelled oil and gas lease executed January 4, 1910, by William D. Coy to Fred Worthington for the term of two and one-half years. and so much

longer as oil and gas is found in paying quantities, failure to drill the well within four months voids the lease or \$58.00 per year rental be paid quarterly in advance. No data to indicate that this lease has been cancelled or has become void.

2. An uncancelled oil and gas lease executed March 29, 1911 by William D. Coy to John Kominsky, for the term of two years, or so much longer as oil or gas can be produced in paying quantities, or rent is paid. Failure to complete a well within three months or pay rental of \$1.00 per acre per year, voids the lease, but no data is furnished indicating that the lease has been cancelled or has become void.

3. The last half of the 1926 real estate tax is unpaid and a lien.

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

The examination of the title has been made in the name of record owners only, and only for the period during which each one respectively held said title. No examination has been made in the United States Court.

I am returning the abstract herewith.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

629.

DISAPPROVAL, ABSTRACT OF TITLE TO "GUILFORD LAKE PARK"  
LAND, HANOVER TOWNSHIP, COLUMBIANA COUNTY, OHIO.

COLUMBUS, OHIO, June 16, 1927.

HON. GEORGE F. SCHLESINGER, *Director of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my opinion a partial abstract of title prepared by McMillan & Kelso, Abstractors at Lisbon, Ohio, certified under date of May 23, 1927, covering land known as Tract No. 7, Guilford Lake Park, containing 70 acres more or less, situate in the township of Hanover, county of Columbiana and state of Ohio, and more particularly described as follows:

Beginning at the southeast corner of said tract on the section line, thence north with said section line about 17.30 chains or run far enough to make 70 acres of said tract; thence west to the line of lands of the heirs of James Galbreath; thence with the line of said Galbreath heirs, a southerly, westerly and northwesterly direction to lands to Robert Patterson; thence south along said line to the southwest corner of said tract. Thence east along the south line of said tract 41 chains and 17 links to the place of beginning, containing 70 acres, be the same more or less, but subject to all legal highways.

From this tract it is proposed to purchase 53.35 acres, more particularly described as follows:

Beginning at a post on the north and south Sec. line between sections No. 1 and 2 in said Hanover Township at a point 772.86 feet north of the southeast corner of said section No. 2, which point is also the northeast