

I have examined the contract and find the same correct in form, and legal, and I approve the same as to its legality and form, and have accordingly endorsed my approval upon the duplicate copies of the contract under even date, herewith.

Respectfully,
C. C. CRABBE,
Attorney General.

3829.

ABSTRACT, STATUS OF TITLE TO 166.15 ACRES OF LAND IN EAST UNION TOWNSHIP, WAYNE COUNTY, BEING THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 16, RANGE 12, TO BE USED FOR ADDITIONAL INSTITUTION FOR THE FEEBLE MINDED IN NORTHERN OHIO.

COLUMBUS, OHIO, November 22, 1926.

HON. JOHN E. HARPER, *Director, Department of Public Welfare, Columbus, Ohio.*

DEAR SIR:—Examination of an abstract, warranty deed and other data submitted for my examination and approval, discloses the following:

The abstract as submitted was prepared by the Wayne County Abstract Company of Wooster, Ohio, and is certified under date of November 4, 1926, and pertains to 166.15 acres in East Union township, Wayne county, to be used as part of the site for an additional institution for the Feeble Minded in Northern Ohio, and which real estate is more particularly bounded and described as follows:

Situated in the township of East Union, county of Wayne, state of Ohio, known as the northeast quarter of section 21, township 16, range 12, containing 166.15 acres.

On page 19 of the Abstract, item No. 17, is an uncanceled oil and gas lease executed and delivered by F. E. Brown and L. C. Brown to The Inter State Oil Company, which lease is dated April 20, 1904, and which was recorded August 8, 1904, in Wayne county, Ohio, Lease Records, Vol. 7, page 95. George N. Coffey, secretary of The Wayne County Abstract Company advises me that he has been advised by the secretary of state of Ohio that The Inter State Oil Company is no longer in existence. The affidavit of George C. Bidle and Lulu Bidle submitted herewith to the effect that they know nothing about said lease; that no claims or demands have been made on them by virtue thereof, that no well was completed under said lease, and that during their occupancy of said premises, which has been since April 17, 1908, to date, no rentals have been paid on said lease, shows the conditions of said lease to have been violated by the lessee thus rendering the same null and void.

In view of the above explanation, I am of the opinion that said Abstract shows a good and merchantable title to said premises in said George C. Bidle and Lulu Bidle.

A warranty deed from George C. Bidle and wife, Lulu Bidle, to the State of Ohio is submitted herewith and is in my opinion sufficient to convey the title of said premises to the State of Ohio.

There is also submitted herewith an assignment by the grantors in said deed to the State of Ohio of an oil and gas lease now held by The Logan Gas Company, shown on page 31 of the abstract, item No. 29, and which the State in its contract of purchase has agreed to assume.

Taxes for the year 1926, amounting to \$101.41 are unpaid and a lien. However, the grantors have agreed in their contract of sale to pay these. Their payment should be made a condition of the delivery of the voucher.

It also appears from a copy of minutes herewith enclosed that said purchase has been approved by the Controlling Board. A regularly certified encumbrance estimate should accompany this abstract.

The Abstract, Warranty Deed and other data submitted are herewith returned.

Respectfully,

C. C. CRABBE,

Attorney General.

3830.

APPROVAL, ABSTRACT OF TITLE TO 90 ACRES OF LAND IN EAST UNION TOWNSHIP, WAYNE COUNTY, OHIO, BEING PART OF SECTION 16, TOWNSHIP 16, RANGE 12, TO BE USED AS PART OF THE SITE FOR AN ADDITIONAL INSTITUTION FOR FEEBLE MINDED IN NORTHERN OHIO.

COLUMBUS, OHIO, November 22, 1926.

HON. JOHN E. HARPER, *Director, Department of Public Welfare, Columbus, Ohio.*

DEAR SIR:—Examination of an abstract, warranty deed and other data submitted for my examination and approval, discloses the following:

The abstract as submitted was prepared by The Wayne County Abstract Company of Wooster, Ohio, and is certified under date of September 28, 1926, and pertains to 90 acres of land in East Union township, Wayne county, Ohio, to be used as part of the site for an additional institution for the Feeble Minded in Northern Ohio, and which real estate is more particularly bounded and described as follows:

Situated in the township of East Union, county of Wayne, State of Ohio, known as the west part of the southeast quarter and the east part of the southwest quarter of section 16, township 16, range 12, beginning at a stone the center of said section and running thence east on the north line of the southeast quarter 13 chains, 85 links to a stone; thence south $1^{\circ} 20'$ west 40 chains 57 links to a post on the south side of said section; thence west on said section line 22 chains 23 links to a stone; thence north $1^{\circ} 20'$ east 40 chains 47 links to a stone on the north line of said southwest quarter; thence east on said quarter line 8 chains 38 links to the place of beginning, containing 90 acres.

On pages 4, 6, 8 and 10 of said Abstract are notations with respect to deeds missing in the chain of title. However, one of these items dates back to 1832, one to 1839, one to 1834 and one to 1858. The item on page 8 refers to a missing deed from the State of Ohio. From the recitals in subsequent deeds it is evident that the missing deeds, with the exception of that noted on page 10 were actually executed and delivered but were simply not recorded. There is submitted herewith the affidavit of Della Watters Odenkirk and Israel G. Odenkirk showing open, notorious, adverse possession by the present owners and their predecessors in title for more than twenty-one years last past. This affidavit further states that no claim has ever been made upon the present owners, one of whom has been in possession of said premises since 1907 on account of said missing deeds. It is my opinion that although these are dis-