

It is further claimed that an error was made in this conveyance in the description of the premises; in other words, that a part of the *southwest* quarter of the southwest quarter of section 16 was conveyed, when as a matter of fact it was the *northwest* quarter of the southwest quarter of section 16 which was purchased and intended to be conveyed. Said applicant also submits an affidavit reciting that on April 1, 1881, he purchased the premises in question which were conveyed to Joseph Brown, and has been in the continuous, open and notorious possession, adverse to the claims of all other persons, since the date of his said purchase, and that he is the owner thereof. He further accompanies his application with a quitclaim deed, which is enclosed herewith, releasing to the state of Ohio all of his right, title and interest in the premises which it is alleged were erroneously conveyed. It is my opinion that said quitclaim deed is properly executed.

From an examination that has been made of the records in the office of the auditor of state it appears that all of the southwest quarter of section 16 except the northwest one-fourth had been conveyed prior to the time the premises were conveyed to the said Joseph Brown. Therefore it would seem that the only land which the state owned in this quarter of the section which it had authority to convey was the northwest quarter of said southwest quarter section.

In view of these investigations it is the opinion of this department that the claims of the applicant are true and that he is entitled to a corrected deed under the provisions of section 8528 G. C., which provides:

“When, by satisfactory evidence, it appears to the governor and attorney-general, that an error has occurred in a deed executed and delivered in the name of the state, under the laws thereof, or in the certificate of any public officer, upon which, if correct, a conveyance would be properly required from the state, the governor shall correct such error by the execution of a correct and proper title deed, according to the intent and object of the original purchase or conveyance, to the party entitled to it, his heirs, or legal assigns, as the case may require, and take from such party a release in due form to the state, of the property erroneously conveyed.”

Enclosed herewith you will find form of deed which I regard as proper under the circumstances. If it meets with your approval, kindly sign and affix the seal of the state of Ohio thereto and forward to the secretary of state in order that he may countersign the same and transmit it to the auditor of state to be recorded and delivered to the party entitled to the same.

The quitclaim deed which is enclosed herewith should be retained by the auditor of state.

Respectfully,
JOHN G. PRICE,
Attorney-General.

2104.

APPROVAL, BONDS OF ERIE COUNTY, OHIO, IN AMOUNT OF \$40,000
FOR ROAD IMPROVEMENTS.

Industrial Commission of Ohio, Columbus, Ohio.

COLUMBUS, OHIO, May 25, 1921.