

contained in newspapers, magazines or periodicals published outside of the state and offered for sale on news stands within this state or sent to subscribers by mail.

Respectfully,

JOHN W. BRICKER,
Attorney General.

4851.

APPROVAL, ABSTRACT OF TITLE, ETC., TO LAND IN HANOVER TOWNSHIP, ASHLAND COUNTY, OHIO—OTHA L. MONROE AND E. PAUL MONROE.

COLUMBUS, OHIO, October 31, 1935.

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

DEAR SIR:—This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval an abstract of title, warranty deed, contract encumbrance record No. 21 and other files relating to the purchase by the state of Ohio for the use of the Ohio Agricultural Experiment Station of a tract of land situated in Hanover Township, Ashland County, Ohio, and being the northeast quarter of the northeast quarter of section 18, township 19, range 16, containing forty acres, more or less, in the civil township and county above named.

Upon examination of the abstract of title submitted, which abstract is apparently certified as of July 18, 1935, I find that as of said date Otha L. Monroe and E. Paul Monroe, who are the owners of record of the above described tract of land, have a good merchantable title to this property and that the same is free and clear of all encumbrances except the undetermined taxes for the year 1935, which are, of course, a lien upon this property.

Upon examination of the warranty deed tendered by Otha L. Monroe and E. Paul Monroe, I find that said deed, with one exception, has been properly executed and acknowledged; and I further find that the form of this deed is such that the same is sufficient to convey this property to the state of Ohio by fee simple title, subject to the reservation that the grantors are to receive the royalties from the gas well operated by The Ohio Fuel Gas Company on said premises as long as said company, its successors and assigns continue to pay the same.

The exception above noted with respect to the execution of this deed arises from the fact that by some inadvertence the name of Anne M. Monroe,

the wife of Otha L. Monroe, was not included in the clause in and by which the respective dower interests of said Anne M. Monroe and of Georgie P. Monroe, the wife of E. Paul Monroe, were to be released. In this connection, it is noted that the deed as drawn bears some indication of an intention to include the names of the respective wives of Otha L. Monroe and E. Paul Monroe in the granting clause of the deed, as well as in the habendum clause of said deed. Inasmuch, however, as the name of Anne M. Monroe does not appear in the granting clause of the deed, it will be necessary to have the same inserted in the clause of the deed in and by which her dower interest is to be released to the state of Ohio as the named grantee in this deed. The omission of her name in this clause of the deed was obviously an oversight and the same should be inserted therein by some person authorized to do so.

Upon examination of the contract encumbrance record No. 21, I find that the same has been properly executed and that there is shown thereby a sufficient unencumbered balance in the proper appropriation account to the credit of the Ohio Agricultural Experiment Station, to pay the purchase price of this property, which purchase price is the sum of \$800.00. I likewise find that the purchase of this property has been approved by the Controlling Board and that said Board has released from the appropriation account the money necessary to pay for the property.

With the exceptions above noted, the abstract of title and the other files relating to the purchase of this property are approved. Your department will, of course, see that the deed is corrected in the manner above indicated before the voucher is issued for the purchase price of this property and before said deed and the other files are submitted to the Auditor of State for the issue of a warrant on such voucher.

Respectfully,

JOHN W. BRICKER,
Attorney General.

4852.

BOARD OF REVISION—APPEAL TO TAX COMMISSION ON
DECISION OF COUNTY BOARD OF REVISION.

SYLLABUS:

Upon appeal to the Tax Commission from the decision of a county board of revision under Sections 5610, et seq., General Code, in the event the Tax Commission is equally divided as to whether or not the decision of such county board of revision should be affirmed, such division constitutes an affirmance of the decision of the county board of revision.