

11.

APPROVAL, NOTES OF NEWTON FALLS CONSOLIDATED SCHOOL DISTRICT, TRUMBULL COUNTY—\$97,625.00.

COLUMBUS, OHIO, January 21, 1929.

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

12.

APPROVAL, ABSTRACT OF TITLE TO LAND OF EDWARD CUNNINGHAM IN NILE TOWNSHIP, SCIOTO COUNTY.

COLUMBUS, OHIO, January 21, 1929.

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

DEAR SIR:—This is to acknowledge receipt of your communication of recent date enclosing for my examination and approval abstract of title, warranty deed, encumbrance estimate number 4775 and controlling board certificate, all relating to four certain tracts of land in Nile Township, Scioto County, Ohio, all owned by one Edward Cunningham. Said tracts of land are more particularly described as follows:

FIRST TRACT: Beginning at a stone in the south line of Survey No. 15446 S. 75 E. 72½ poles from the southwest corner of said survey; thence with south line of survey S. 75 E. 42½ poles to a hickory southwest corner of survey 13994; thence with south line of survey No. 13994 S. 75 N. 24¾ poles to a stone northeast corner of a 40 acre tract of Joseph G. Steagall; thence N. 13 poles to north line of said survey No. 13994; thence with the north line of same N. 78 W. 24¾ poles to a hickory and two white oaks (original N. W. corner) and northeast corner of survey 15446; thence with north line of same N. 84 W. 54 poles to a beech and two white oaks (corner); thence N. 66½ W. 11½ poles to a stone N. E. corner to land of Joseph G. Steagall; thence with east line of same S. 32 poles to beginning, containing 11 19/100 acres and being 9 21/100 acres of survey 15446 and 1 98/100 acres of survey No. 13994 in the Virginia Military District and situated in Nile township, Scioto County, Ohio.

SECOND TRACT: Beginning at a stake, N. W. corner to Lot No. 1 and in the line of survey No. 10822; thence with one line of Lot No. 1 S. 212 poles to a stake in the line of survey No. 15997; thence with one line thereof S. 66 55' W. 61 poles to a sugar tree, hickory and red oak on the north side of Lamp Black Run, N. E. corner to survey No. 15220; thence with one line thereof S. 80 45' 17 poles to a stake in said line; thence N. 263 poles to an ash and hickory, corner to survey No. 13994; thence with one line thereof S. 75 E. 62 poles to two white oaks and a dogwood, corner to survey No. 10822; thence with one line thereof S. 72 E. 13 poles to the beginning, containing 107.30 acres, more or less, excepting therefrom 67.30 acres, more or less off the east side of the above tract; leaving 40 acres, more or less, conveyed

by this deed, being the west part of the above described tract. Being part of Lot No. 2 of said survey 15847.

THIRD TRACT: Being Lot No. 3 of the subdivision of survey No. 15847, beginning at a maple and dogwood, (down) opposite Lewis Boldman's shanty, southwest corner to A. D. Kendrick's survey No. 15446; thence with one line thereof S. 83 E. 170 poles to an ash and hickory, northwest corner to Lot No. 2 of said subdivision, and corner to survey No. 13994; thence with one line of Lot No. 2, S. 162 poles to a stake in the west line of Lot No. 2; thence W. 209 poles to a stake in the west line of said survey No. 15847; thence with the one line thereof N. 13 E. 182 poles to the beginning, containing 200 acres, more or less.

FOURTH TRACT: Beginning at a stone in the south line of survey No. 15446, S. 75 E. 50½ poles from the southwest corner of said survey and S. E. corner of lands of Francis; thence with the south line of said survey S. 75 E. 22 poles to a stone; thence N. to the north line of survey; thence W. with north line of said survey to the N. E. corner of lands of Francis; thence with Francis line S. 32 poles to the beginning, containing 4 acres, more or less, being a part of military survey No. 15446."

An examination of the abstract of title submitted shows that said Edward Cunningham has a good and merchantable fee simple title to the above described lands free and clear of all encumbrances, except taxes thereon for the year 1928 as follows, to-wit:

Tract No. 1—	\$2.75.
Tract No. 2—	2.00.
Tract No. 3—	10.00.
Tract No. 4—	.50.

These taxes are a lien on said respective tracts of land.

An examination of the deeds in the early history of the title to the above described tracts of land discloses a number of defects in the description of the lands thereby conveyed. These defects quite uniformly relate to courses and distances in the description of the lands; but inasmuch as in each instance the controlling monuments determining the true courses and distances in determining the calls in the deeds in question are fixed and determined, no substantial question arises in any case with respect to the proper description of the lands thereby conveyed. The title of Edward Cunningham to the above described lands and premises is accordingly hereby approved, subject only to the exception with respect to the taxes for the year 1928 above mentioned.

It is suggested that so far as the topography of said several tracts of land permits, the same should be checked for acreage before the purchase of this property is concluded. This suggestion is actuated by the fact that the deed of Henry Bayers and wife to Edward Cunningham, noted at page 54 of the abstract, conveys the fourth tract of land above described as two acres more or less, whereas in the caption of said abstract, as well as in the deed of Edward Cunningham to the State of Ohio, it is recited that said tract of land contains four acres more or less.

An examination of the warranty deed above referred to shows that the same has been properly signed and acknowledged by Edward Cunningham and Carol Cunningham, his wife, and that the same is in form sufficient to convey to the State of Ohio a fee simple title to the above described lands, free and clear of all encumbrances except the taxes for the last half of the year 1928, as to which there is a recital in said deed that the grantee assumes and agrees to pay said taxes. This recital has, of course, no proper place in the deed executed to the State of Ohio; the

deed should in this respect be corrected, or some adjustment should be made with respect to the taxes for the year 1928 so as to absolve the state from any obligation with respect to the same.

Encumbrance estimate number 4775, above referred to is in proper form and shows that there is a sufficient balance in the appropriation account to pay the purchase price of said lands.

It is likewise noted from the certificate of the Controlling Board, that the purchase of the above described lands has been approved by said Board.

I am enclosing herewith said abstract of title, warranty deed, encumbrance estimate Number 4775 and controlling board certificate.

Respectfully,
GILBERT BETTMAN,
Attorney General.

13.

APPROVAL, ASSIGNMENTS OF SIX LEASES TO ABANDONED MIAMI
AND ERIE CANAL LANDS—VILLAGE OF FRANKLIN, OHIO.

COLUMBUS, OHIO, January 22, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—There have been submitted for my examination and approval assignments of six certain leases executed by you, which said leases are listed in a certain lease which was lately executed by the State of Ohio, through your department, to the Village of Franklin, Ohio. Said leases, assignments of which have been submitted for my approval, are held by the following named persons and corporations, to-wit: Beason P. Blair, Franklin, Ohio; The Columbia Gas Supply Company, Franklin, Ohio; The Franklin Board and Paper Company, Franklin, Ohio; The Cincinnati Northern Railroad Company, Cincinnati, Ohio; The Logan-Long Company, Franklin, Ohio; The Cincinnati, Hamilton and Dayton Railway Company, Dayton, Ohio. Said assignments have been executed as provided for in said lease by the State of Ohio to the Village of Franklin, Ohio, and pursuant to the authority of an act of the General Assembly under date of March 25, 1925, providing for the abandonment for canal purposes of that portion of the Miami and Erie Canal, between the Maumee River at Defiance, Ohio, and a point 500 feet north of the Middletown dam, near the north corporation line of the City of Middletown (111 O. L. 208). An examination of the assignments of said leases above referred to shows that the same are in proper form and in compliance with the provisions of said act of the General Assembly. Said assignments are accordingly hereby approved by me and my approval is herewith made in duplicate as to the assignments of the first three of said leases above mentioned, and is made in triplicate as to the assignments of the three other leases.

Said leases bearing the respective assignments thereof, and a copy of said lease by the State of Ohio to the Village of Franklin, Ohio, are herewith returned to you.

Respectfully,
GILBERT BETTMAN,
Attorney General.