

was adopted by the electors of the city on June 15, 1924. It is therefore presumed that this charter has been adopted under the constitutional provision for home rule.

The transcript discloses that publication was given for the sale of these bonds in but one newspaper. Section 3924 G. C. provides that such notice shall be given in two newspapers.

In view of the decisions of the Supreme Court of Ohio in the following cases:— State vs. Williams, Director, etc., of City of Youngstown (recently rendered); Berry vs. Columbus, 104 O. S., page 607, Toledo vs. Seeper, 97 O. S. 56; and Dayton vs. Fish, 104 O. S. 206, it would seem that one publication would not be sufficient, even though the same may be under a charter provision.

You are, therefore, advised not to accept these bonds, for the reason that they have not been sold as required by statute, and for the further reason that the decisions in the foregoing cases indicate that state laws can not be abrogated or evaded by charter provisions.

Respectfully,

C. C. CRABBE,
Attorney-General.

2226.

APPROVAL, BONDS OF FOWLER TOWNSHIP RURAL SCHOOL DISTRICT,
TRUMBULL COUNTY, \$3,850.00.

COLUMBUS, OHIO, February 16, 1925.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

2227.

ABSTRACT, STATUS OF TITLE, ONE HUNDRED AND TWENTY-ONE (121)
ACRES OF LAND, MORE OR LESS, BENTON TOWNSHIP, PIKE COUNTY,
OHIO.

COLUMBUS, OHIO, February 16, 1925.

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

DEAR SIR:—This will acknowledge receipt of abstract of title, encumbrance estimate and a warranty deed, covering certain premises proposed to be purchased by the State of Ohio for the use of the Ohio Agricultural Experiment Station.

The warranty deed, which appears to be in proper form and already executed, will be sufficient to convey the premises under consideration when properly delivered.

The encumbrance estimate bears number 5642, under date of December 16, 1924, addressed to Charles L. Taylor and Alice E. Taylor, Bainbridge, Ohio, and covers the premises described in the deed and abstract, being one hundred and twenty-one (121) acres, more or less, in Benton Township, Pike County, Ohio. The encumbrance estimate is for the amount of \$847.00 and is properly certified by Wilbur E. Baker, Director of Finance, December 18, 1924.

The abstract as submitted was prepared in two parts. The first part of the abstract, covering the recent history of the title under consideration, was prepared by J. W. Long, attorney, under date of October 9, 1924. This was later supplemented by thirteen pages covering the history of the premises from the date of the original survey up to the time of the continuation certified under date of October 9, 1924. The thirteen pages last submitted to this department were certified by J. W. Long, attorney, under date of February 10, 1925.

The abstract as submitted pertains to the following premises:

"Situated in the township of Benton, in the county of Pike and the state of Ohio, and bounded and described as follows:

"Being part of N. Massie Survey No. 15709.

"Beginning at a dead hickory, corner to J. E. Fowler's land and in the line of T. Kerby's Survey No. 14416; thence N. 75 Degrees East 132 poles to an ash stump and white oak stump, on the bank of the branch; thence, 68 degrees E. 130 poles to the corner of Bryant's Survey No. 14392; thence S. 10 degrees E. 28 poles to the corner of Routt and McBride; thence S. 23 degrees E. 55 poles to a stone, corner of McBride and T. Harrison; thence with said Harrison's line, S. 62 degrees W. 200 poles to a chestnut, corner to said Harrison and the line of J. C. Fowler; thence N. 20 degrees W. 88 poles to a stone, corner to said Fowler; thence with another of said lines, N. 22 poles to the beginning, containing one hundred and twenty-one (121) acres of land, more or less, and being the same premises conveyed to Amos Collins and wife, Elizabeth, by Daniel Massie, November, 1890, by deed recorded in Deed Book Vol. 37, page 553, of the records in the Recorder's Office of said Pike County, Ohio."

Examination of the abstract as submitted reveals some deficiencies and discrepancies in the early history of the title. In fact, the patent from the United States Government does not appear in the abstract, but the abstracter has indicated that the abstract of the Virginia Military Survey as set forth in the second page of the abstract is absolute evidence that the government issued a patent to Nathaniel Massie for the lands under consideration. There does not seem any satisfactory evidence of the connection of the title between Nathaniel Massie and David Mead Massie, David Mead Massie appearing to be the grantor in the first deed as abstracted at page 3 of the abstract by said David Mead Massie to Amos Collins and wife. However, from the date of the above conveyance, November 18, 1890, the abstract appears to be in good form and all the necessary links of the title properly shown.

There also further appears an affidavit by three residents of the neighborhood of the premises under consideration, wherein they make affidavit that they have known said premises for a period of not less than thirty years last past and that said premises have been in the quiet, peaceable, open, notorious and adverse possession of the three last named owners for a period of at least twenty-five years and are now in the quiet and peaceable possession of the present owner, Charles L. Taylor. Otherwise, the abstract appears to be in proper form and shows good and merchantable title in the present owner, Charles L. Taylor.

The last certificate of the abstracter shows unpaid taxes against said premises for the year 1924, in the sum of \$25.76. It has been suggested that this amount be deducted from the consideration when the voucher is issued.

We are herewith returning to you the abstract, warranty deed and encumbrance estimate.

Respectfully,
C. C. CRABBE,
Attorney-General.