

1934.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF CORA M. ARTRIP
IN VILLAGE OF NEW RUMLEY, HARRISON COUNTY, OHIO.

COLUMBUS, OHIO, June 2, 1930.

The Ohio State Archaeological and Historical Society, Ohio State University, Columbus, Ohio.

GENTLEMEN:—There has been submitted for my examination and approval an abstract of title, warranty deed and encumbrance estimate, relating to certain lands owned of record by one Cora M. Artrip, situated in the Village of New Rumley, Harrison County, Ohio, and being more particularly described as being in-lots numbers eleven (11), twelve (12), thirteen (13), fourteen (14), and fifteen (15) in Western Liberties of the town of New Rumley, Harrison County, Ohio, as designated on the plat thereof in the office of the Recorder of Harrison County, Ohio.

An examination of said abstract of title shows that the present record title of Cora M. Artrip in and to the above described plots, came to her in regular course by and through mesne conveyances and devices under the last will and testament of her predecessors in title, going back to one Lettice A. Manbeck who obtained title to the above described lots by a deed from one Nathan McPeck, executor of the last will and testament of one James McAfee, who was apparently the owner of record of said lots at the time of his death in 1876. The chain of title to this property is in all respects regular from the time said Lettice A. Manbeck obtained the conveyance of the same from said Nathan McPeck, as executor of the last will and testament of James McAfee. However, the chain of title to each and all of the lots here in question, from the time they were owned by William Vaughan who laid out said allotment about the year 1814, down to the time that said James McAfee obtained the apparent record title to the same is so broken that it cannot now be said upon the abstract of title submitted that said James McAfee had a good title to these lots at the time of his death.

In this situation it is important that there be made an affirmative showing that Cora M. Artrip and her predecessors in title have continuously held open undisputed and adverse possession of each and all of said lots under claim of right from the time that said Lettice A. Manbeck obtained title to the same in 1877 down to the present time; and an affidavit showing these facts should be made by one or more persons having knowledge of these facts and such affidavit or affidavits should be made a part of the abstract.

From the abstract of the deed executed by Mathan McPeck, as executor of the last will and testament of James McAfee, to Lettice A. Manbeck it is not clear whether said deed was executed by the executor under the assumed power to sell the property granted by the will of James McAfee or whether the will was executed by order of the court in a proceeding instituted by the executor to sell the property for the payment of debts. In this connection it is noted that by the last will and testament of said James McAfee, including the codicil thereto, it was provided that the executors of his estate should be Mary McAfee, the widow of the testator, and said Nathan McPeck. As above noted, the deed to Lettice A. Manbeck was apparently executed by Nathan McPeck as the sole executor of said estate. Information should be furnished as to whether or not Mary McAfee was dead at the time of the execution of this deed, or whether she had resigned her trust as such executrix before the execution of such deed. Full information on the matters above suggested should be likewise furnished by affidavit to be made a part of the abstract.

For the reasons above suggested I do not feel that I can approve the abstract of title in the form in which the same is submitted, and I am herewith returning the same to you with the suggestion that said Cora M. Artrip be required to furnish the

additional information above requested for the purpose of having the same made a part of the abstract. When this is done you should again submit said abstract of title to me for approval.

The warranty deed of Cora M. Artrip, conveying this property to the State of Ohio, has been properly executed and acknowledged by herself and husband and the same is sufficient in form to convey to the State of Ohio a fee simple title to the property here in question, free and clear of all encumbrances whatsoever.

I likewise find encumbrance estimate No. 312, which has been submitted to me as part of the files relating to the purchase of this property, to be properly executed. This encumbrance estimate shows that there are sufficient balances in the proper appropriation account to pay the price of this property. It also appears that the purchase price of the property here in question, to-wit, the sum of seventeen hundred dollars (\$1700.00), has been released for the purpose by the controlling board. I am retaining said warranty deed and encumbrance estimate in my files until such time as the corrected abstract of title has been again submitted to me for approval.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1935.

APPROVAL, BONDS OF STOKES TOWNSHIP RURAL SCHOOL DISTRICT,
LOGAN COUNTY—\$110,000.00.

COLUMBUS, OHIO, June 2, 1930.

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

1936.

APPROVAL, BONDS OF HARRISONVILLE-SCIPIC CONSOLIDATED SCHOOL
DISTRICT, MEIGS COUNTY—\$900.00.

COLUMBUS, OHIO, June 2, 1930.

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

1937.

COUNTY COMMISSIONERS—RIGHT TO INSTALL LIGHTING EQUIPMENT
OR PARTLY PAY COST OF ITS INSTALLATION ON GROUNDS OF
AGRICULTURAL SOCIETY—FUNDS APPROPRIATED TO SUCH SO-
CIETY TO BE CONTROLLED AND EXPENDED BY COMMISSIONERS.

SYLLABUS:

1. *In counties wherein there is a county agricultural society which owns in fee simple the fairgrounds and the appurtenances thereto, the county commissioners may, if they*