

889.

APPROVAL—ABSTRACT OF TITLE AND WARRANTY DEED
RELATING TO A TRACT OF LAND IN BRUSH CREEK
TOWNSHIP, HIGHLAND COUNTY, OHIO, RECENTLY
ACQUIRED BY THE OHIO STATE ARCHAEOLOGICAL
AND HISTORICAL SOCIETY.

COLUMBUS, OHIO, July 21, 1937.

*The Ohio State Archaeological and Historical Society, The Ohio State
Museum Building, Columbus, Ohio.*

GENTLEMEN:

This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval an abstract of title and a warranty deed relating to a tract of land in Brush Creek Township, Highland County, Ohio, which you have recently acquired as an addition to Fort Hill State Memorial Park. This tract of land, which at the time of its conveyance to your Society was owned of record by one Isaac Rhoads, is a part of survey Nos. 13217, 13218 and 13259 and is more particularly bounded and described as follows:

Beginning at a stone and two chestnut oaks North $4\frac{1}{2}^{\circ}$ East 107 poles to a stone on an original line; thence South 75° East 74 poles to a stone on the East side of Brush Creek; thence down the creek South 32° East 18 poles to Elen D. Davis corner, South 3° West 22 poles to a stone, South 9° East 54 poles to a double sugar on top of rock, North 83° West 84 poles to the beginning, containing 50 acres and 102 poles, more or less.

Being the same premises heretofore on March 26th, 1858 A. D. conveyed by J. W. Hart and Martha Hart his wife to Isaac Rhoads and recorded in Highland County Record of Deeds Book 26 page 389 and 390; and being also the same premises conveyed by Isaac Rhoads to George E. Rhoads by deed dated Jan. 30th, 1888.

Upon examination of the abstract of title submitted to me, I find that at the time of the conveyance of this property to your Society by Isaac Rhoads and Bessie Rhoads, his wife, under date of July 6, 1937, Isaac Rhoads had a good indefeasible fee simple title to the above described tract of land and that he owned and held the same free and clear of all encumbrances except the undetermined taxes on the property

for the year 1937.

Upon examination of the warranty deed executed by Isaac Rhoads and Bessie Rhoads, I find that the same has been executed and acknowledged by said grantors in the manner provided by law and that the form of this deed is such that the same is legally sufficient to convey the above described property to The Ohio State Archaeological and Historical Society by fee simple title with a covenant of warranty that the property is free and clear of all encumbrances save and except the taxes for the year 1937 as to which the deed contains a recital that the grantee assumes and agrees to pay such taxes. In this connection, I am advised by your communication that your Society has made arrangements to pay these taxes from funds at its disposal.

Inasmuch as the tract of land here in question and other lands contiguous or adjacent thereto now forming Fort Hill State Memorial Park have an historical interest within the purview of Section 10198-1, General Code, 115 O.L., 207, The Ohio State Archaeological and Historical Society is authorized to acquire this property for the purpose above stated. I am, accordingly, approving the abstract of title submitted to me and likewise the deed executed by The Ohio State Archaeological and Historical Society by Isaac Rhoads and Bessie Rhoads, his wife, as is evidenced by my approval endorsed upon said deed.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

890.

AUDITOR OF STATE—NO POWER TO INVESTIGATE ACTIVITIES OF CIVIL SERVICE COMMISSION—CIVIL SERVICE LAW—RULES AND REGULATIONS ADOPTED BY COMMISSION.

SYLLABUS:

The Auditor of the State of Ohio, as such officer, does not have the power or authority to conduct an investigation into the activities of the State Civil Service Commission for the purpose of determining whether the Commission has properly administered the Civil Service Law and the rules and regulations adopted by said Commission.