

708.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE WARREN-HOFFMAN COMPANY, CANTON, OHIO, TO CONSTRUCT TRUCK SHED, OHIO STATE ARMORY, CANTON, OHIO, AT AN EXPENDITURE OF \$11,429.00.—SURETY BOND EXECUTED BY THE METROPOLITAN CASUALTY INSURANCE COMPANY OF NEW YORK.

COLUMBUS, OHIO, July 9, 1927.

HON. FRANK D. HENDERSON, *Adjutant General, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Adjutant General of Ohio, and The Warren-Hoffman Company, of Canton, Ohio. This contract covers the construction and completion of Truck Shed, Ohio State Armory, to be erected in the city of Canton, Ohio, and calls for an expenditure of eleven thousand four hundred and twenty-nine dollars (\$11,429.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. There has further been submitted a contract bond upon which the Metropolitan Casualty Insurance Company of New York appears as surety sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,

EDWARD C. TURNER,  
*Attorney General.*

709.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND IN SALEM TOWNSHIP, JEFFERSON COUNTY.

COLUMBUS, OHIO, July 9, 1927.

HON. CHARLES V. TRUAX, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—You have submitted for my opinion a form of deed and the abstract of title prepared by R. G. Porter of Steubenville, Ohio, up to June 1, 1927, on the following premises owned by William A. Johnston, situate in the Township of Salem, County of Jefferson and State of Ohio, and bounded and described as follows:

“Being part of the Southwest Quarter of Section 24, Township 10, and Range 3, beginning at a point in S. section line of Section 24, 268 feet East of S. W. Corner of said section; thence N. 2° E. 700 feet; thence S. 67° E. 100 feet; thence N. 87° E. 700 feet; thence N. 84° E. 350 feet; thence S. 87½° 280 feet to Morrison's line; thence S. 13° E. 270 feet; thence S. 59° E. 1056 feet to the S. E. corner of quarter section; thence with section line N. 88° W. 2222 feet to the place of beginning. Containing 32.3 acres, more or less.”

Upon examination of the submitted abstract, I am of the opinion that the same shows a good and merchantable title to said 32.3 acres in William A. Johnston, subject to the following.

1. The affidavit of W. A. Johnston on page 12 of the abstract, concerning real estate inherited discloses that one Alexander Johnston, a devisee of the property under consideration, died leaving as his heirs at law, the following: Marie B. Johnston Wells, Rachel Johnston Runyon, Ida J. Johnston Nixon, Edith M. Johnston Boyd, Linnie Johnston Shull and William A. Johnston, children of the deceased and Lavina Johnston, his wife. The transfer of the interests of all of these heirs are accounted for, except that of Edith M. Johnston Boyd. Further information should be furnished as to the interest of this heir.

2. Taxes in the sum of \$23.05, specified by the abstracter as being payable in 1927. It is supposed that these are the June instalment of the 1926 tax.

3. The taxes for 1927, payable in December, 1927, and June, 1928, are now a lien, amount yet undetermined.

4. The abstracter notes a road assessment of \$5.00, payable in 1927, with fifteen payments to be made, the first one being payable in 1927. The abstracter should show the full amount of this assessment and not alone the instalment of 1927.

The abstract does not show that any examination has been made in the United States Court and that an examination of the judgment indexes in the Clerk's and Sheriff's offices for judgment liens only goes back as far as 1910.

The form of deed submitted has not been executed, witnessed or acknowledged.

I also note that after the description of the land to be conveyed, a paragraph excepts and reserves therefrom to the grantors, their heirs and assigns, all the coal and coal veins, if any, underlying the described premises; together with the right to drill or test for the same and the right to mine and remove the same by means of approaches from other lands and also the right to haul or convey from adjoining, contiguous or other lands. This reservation interferes with the free use of the surface land and may seriously interfere with the use of the surface by the State.

Otherwise, the form of the deed is correct and when properly executed, witnessed and acknowledged will transfer a good title to the land under consideration, save with the exception and reservation last above noted and the interest of Edith M. Johnston Boyd, first above noted.

The abstract of title and the form of deed are herewith returned to you.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

710.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND IN SALEM TOWNSHIP,  
JEFFERSON COUNTY.

COLUMBUS, OHIO, July 9, 1927.

HON. CHARLES V. TRUAX, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—You have submitted for my opinion a form of deed and the abstract of title prepared by R. G. Porter of Steubenville, Ohio, up to June 1, 1927, on the following premises owned by William P. Waggoner, situate in the Township of Salem, County of Jefferson and State of Ohio, and bounded and described as follows: