

to ascertain whether the caption land is subject to the dower right of a spouse to whom said grantor may have been married at the time of the execution of said deed.

On January 23, 1914, one J. H. Orr, the then owner of caption land, executed, as is disclosed on page 36 of the Abstract, a bill of sale of all tie timber

“on my land 345 acres in Union Township, 8 feet and 8½ feet long white oak and chestnut oak at ten cents per tie; all black oak 8 feet and 8½ feet and chestnut, at seven and one-half cents per tie on the stump, received to apply on this amount \$5.00. J. H. Orr.”

“P. S. I agree to give Mr. O'Brien to get this tie timber off from this date.”

It is altogether probable that Mr. O'Brien has long ago exercised all of the privileges which this bill of sale purported to grant him. However, before finally concluding the purchase of the land in question, it would be expedient to ascertain whether Mr. O'Brien has ceased to take tie timber from said land.

Encumbrance estimate No. 816 is in proper form and shows that there remains in the proper appropriation account a sufficient balance to pay the purchase price of said land.

The proposed deed from said executor and executrixes to the state of Ohio contains several slight errors which should be corrected. Thus, in the third call of the description it is stated, “thence N. 21 deg. E. 29.3 poles etc.”. The given number of poles is erroneous, and it should be changed from 29.3 poles to 49.3 poles. Furthermore, in the eighteenth call the word “gunwood” is erroneously used for “gumwood”, and the first initial in the phrase “N. M. Swords' land” should be changed from “N” to “H” so that said phrase will read “H. M. Swords' land”. Otherwise, said deed is executed in proper form to convey a fee simple title to the State of Ohio.

I am herewith returning to you all of the papers above enumerated as having been received.

Respectfully,

GILBERT BETTMAN,

Attorney General.

3415.

APPROVAL, CONTRACT FOR ROAD IMPROVEMENT IN RICHLAND COUNTY, OHIO.

COLUMBUS, OHIO, July 9, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*