

I have carefully examined the agreement and find it correct in form and hereby approve the same.

Respectfully,
GILBERT BETTMAN,
Attorney General.

427.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND ERIE RAILROAD COMPANY FOR THE ELIMINATION OF GRADE CROSSING, NEAR SPRINGFIELD, CLARK COUNTY, OHIO.

COLUMBUS, OHIO, May 22, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter under date of May 17, 1929, enclosing copy of an agreement providing for the elimination of a grade crossing about one and one-half miles west of Springfield, Clark County, Ohio, for the tracks of the Erie Railroad Company, lessee of and operating the railroad property of the Nypano, where intercounty highway No. 1 crosses said company's right of way at grade.

I find this proposed agreement contains substantially the same provisions as was in the contract providing for the elimination of the grade crossing of intercounty highway No. 202, known as "Harding Station," in reference to sub-contractors taking out workmen's compensation insurance and public liability insurance covering the work to be performed, which insurance shall extend to and run in favor of the railroad company and also a surety bond in favor of the contractor and railroad company to cover damages to property of the railroad company, in an amount satisfactory to the chief engineer of the company. I think the substance of such provisions should be incorporated in the advertisement for bids for any work done on the job to which the provisions in relation thereto are applicable.

Finding said contract in proper legal form subject to the exceptions noted, I hereby approve it, and return the same to you.

Respectfully,
GILBERT BETTMAN,
Attorney General.

428.

APPROVAL, ABSTRACT OF TITLE TO LAND OF BESSIE McCORMICK AND IRENE MILLER IN JEFFERSON TOWNSHIP, ADAMS COUNTY, OHIO.

COLUMBUS, OHIO, May 22, 1929.

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

DEAR SIR:—This is to acknowledge receipt of your recent communication, submitting to me corrected abstract of title, warranty deed and other files pertaining to

the proposed purchase of 391 acres of land, more or less, owned of record by Bessie McCormick and Irene Miller, in Jefferson Township, Adams County, Ohio.

In Opinion No. 386 of this department, directed to you under date of May 8, 1929, I found upon examination of the corrected abstract of title submitted, that Bessie McCormick and Irene Miller had a good and indefeasible fee simple title to the several tracts of land involved in this proposed purchase, free and clear of all encumbrances except the taxes for the last half of the year 1928, the amount of which was not stated in the abstract, and except the taxes for the year 1929, amounting approximately to \$92.30. A suggestion was made in said opinion that some adjustment with respect to these taxes should be made before the transaction relating to the purchase of said several tracts of land is closed.

In the opinion above referred to, encumbrance estimate No. 4794 and the controlling board certificate were both approved. The warranty deed conveying said several tracts of land to the State of Ohio was disapproved by reason of a number of discrepancies in the description of some of said tracts of land, as compared with the description of the same tracts of land in the abstract. An examination of the deed in its present form shows that said discrepancies have been corrected and said warranty deed is hereby approved.

I am, therefore, approving all of the files submitted to me relating to the purchase of the lands herein question, subject to adjustment to be made by you with respect to the taxes above mentioned.

I am herewith returning to you said corrected abstract of title, warranty deed, encumbrance estimate and controlling board certificate.

Respectfully,

GILBERT BETTMAN,
Attorney General.

429.

APPROVAL, ABSTRACT OF TITLE TO LAND OF BOYD GOSS IN LAUREL TOWNSHIP, HOCKING COUNTY, OHIO.

COLUMBUS, OHIO, May 23, 1929.

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

DEAR SIR:—There has been submitted for my examination and approval a corrected abstract of title and a warranty deed relating to the proposed purchase of two tracts of land in Laurel Township, Hocking County, Ohio, which are owned of record by Boyd Goss, Clyde Goss and C. I. Goss, aggregating 37½ acres, more or less, and which tracts are more particularly described in Opinion No. 41 directed to you under date of January 31, 1929.

The corrected abstract of title submitted does not by any means correct all of the objections noted in the former opinion of this department above referred to. The objections there noted, however, which have not been corrected, related to matters fifty years or more ago and I am quite clearly of the opinion that by reason of the lapse of time, the exceptions noted in the former opinion by reason of said objections, can be safely waived.

Accordingly, I am of the opinion that said Boyd Goss, Clyde Goss and C. I. Goss as tenants in common, have a good and indefeasible title to the land here in question free and clear of all encumbrances and outstanding claims except the taxes on said