

1455.

DISAPPROVAL, DEED TO LAND OF GREENVILLE HISTORICAL SOCIETY IN FORT JEFFERSON, DARKE COUNTY.

COLUMBUS, OHIO, January 27, 1930.

HON. HARRY D. SILVER, *Director of Finance, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a corrected abstract of title relating to certain lots and parcels of land owned of record by the trustees of Neave Township, Darke County, Ohio, the same being located in said county and being more particularly described as Lots 42, 43, 48 and 49 on the plat of the town of Fort Jefferson, Ohio, and being property which the state proposes to procure for the use of the State Archaeological and Historical Society through the Greenville Historical Society, pursuant to the provisions of House Bill No. 143, passed by the 88th General Assembly, April 5, 1929.

The title to the above described lots and parcels of land was the subject of Opinion No. 1121 of this office, directed to you under date of October 29, 1929. In said former opinion I approved the title of the township trustees of Neave Township, Darke County, Ohio, to Lots 42 and 43 of the plat of the town of Fort Jefferson. In said opinion, however, I disapproved the title of said township trustees to Lots 48 and 49 of the plat of the town of Fort Jefferson above referred to, for certain reasons specifically set out in said opinion.

An examination of the corrected abstract of title with respect to said Lots 48 and 49 shows that the objects noted by me in said former opinion with respect to the title to these lots have been corrected; and upon the corrected abstract of title and files submitted to me, I am of the opinion that the trustees of Neave Township, Darke County, Ohio, have a good merchantable title to all of said above described lots, subject to the liens of the taxes on said property for the year 1929, the amount of which taxes is not stated in the abstract.

It is noted that each and all of the above described lots are included in the deed of the Greenville Historical Society to the State of Ohio. However, I have been unable to find in the corrected abstract of title and other files submitted any notation with respect to a deed executed by the trustees of Neave Township, Darke County, Ohio, conveying this property to the Greenville Historical Society, and until by correction of the abstract or otherwise evidence is furnished with respect to the existence of this deed, the deed tendered by the Greenville Historical Society to the State of Ohio should not be accepted, and no part of the appropriation made for the purchase of this property should be released for the purpose of purchasing the particular lots, four in number, above described.

Respectfully,

GILBERT BETTMAN,

Attorney General.