

pose of mining and removing the coal might at some time constitute a serious interference with the use of the surface by the State of Ohio.

I suggest that you negotiate another contract with Mrs. Shull, whereby the rights of William A. Johnston in the 66½ acre tract, and of Mrs. Shull in the remainder of the quarter section be limited to mining and removing the coal by means of underground operations and entries, so that the surface would not be disturbed, unless in certain specified spots, which should be determined and set forth in the deed.

To accomplish this purpose insofar as Mr. Johnston is concerned, he could deed to the State of Ohio whatever rights he may have to use the surface in mining and transporting coal, and confine his operations in that respect to underground workings and approaches from other lands.

2. Mrs. Shull's deed notes that the land is free and clear from all encumbrances, except taxes and assessments, which were a lawful lien on the premises on June 6, 1927, the June, 1927, instalment of which Mrs. Shull assumed and agreed to pay, but that the State of Ohio should assume and agree to pay all taxes and instalments of assessments thereafter due and payable.

This reservation and burden on the State of Ohio does not appear in any of the other deeds, so I specifically call it to your attention as it may not conform to the terms of the contract which you negotiated with her.

Otherwise, the deed is in proper form and will, when delivered, pass good title to the State of Ohio to the land in question, subject to the reservations just noted.

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

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

1025.

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

COLUMBUS, OHIO, September 21, 1927.

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

DEAR SIR:—You have resubmitted for my opinion a form of deed and an abstract of title last certified by R. G. Porter of Steubenville, Ohio, under date of September 9, 1927, covering land situate in Salem Township, Jefferson County, Ohio, said land consisting of one tract of 34 acres, bounded and described as follows:

“Being part of the southwest quarter of Section 18, Township 10 and Range three, of Salem Township, Jefferson County, Ohio, and described as follows:

Beginning at the northwest corner of said quarter section, thence east 2020 feet; thence south 1119 feet; thence north 57° west 900 feet; thence north 85° west 775 feet; thence south 74° west 519 feet to section line; thence with section line north 770 feet to the beginning. Containing 34 acres, more or less.

This being part of 129 acres of land sold by the Sheriff of Jefferson County, to John S. Umensetter, et al., as recorded in Deed Book No. 79, page 663, of the Records of Jefferson County, Ohio.”

Upon examination of the resubmitted abstract, I am of the opinion that the same shows a good and merchantable title to said land in John S. and Lyde M. Umensetter, subject to the following encumbrances:

1. The same right of way to the Bergholz Telephone Company referred to in the paragraph numbered 3, Opinion No. 737, rendered to you under date of July 14, 1927, seems apparently still to exist.

2. The June, 1927, instalment of the 1926 taxes, amounting to \$52.32, is still unpaid and a lien.

3. The 1927 taxes are lien.

4. An assessment for the construction of the Richmond-Pravo Road amounting to \$198.84 payable in twelve instalments of \$16.57 each, the next instalment being payable in December, 1927, is a lien.

The abstract does not yet show any examination in the United States Court, and the examination of the judgment indexes in the clerk's and sheriff's offices for judgment liens only goes back as far as 1910.

The deed has been executed by John S. and Lyde M. Umensetter under date of August 25, 1927, and acknowledged before a notary public. This deed when delivered will pass good title to the State of Ohio.

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

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

1026.

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

COLUMBUS, OHIO, September 21, 1927.

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

DEAR SIR:—You have resubmitted for my opinion a form of deed and an abstract of title, last certified by R. G. Porter of Steubenville, Ohio, under date of September 9, 1927, covering land situate in Salem Township, Jefferson County, Ohio, said land consisting of one tract containing 34 acres bounded and described as follows:

Situated in the County of Jefferson, State of Ohio, and in the Township of Salem. Being the part of the northeast quarter of Section 23, Township 10 and Range 3. Beginning at the northwest corner of the northeast quarter of said Section 23, thence east 1190 feet; thence south  $11^{\circ}$  E. 113 feet, thence south  $38\frac{1}{2}^{\circ}$  west 1060 feet, thence south  $47\frac{1}{2}^{\circ}$  east 398 feet to the center of the road, thence with road south  $40^{\circ}$  west 1320 feet to the line between Shull and Kuester, thence north with the Shull line 2217 feet to the place of beginning—containing 34 acres, more or less.

The same being a part of the 160 acres of land conveyed by Charles Kuester, administrator of the estate of Charles Kuester, deceased, and recorded in Deed Record No. 127, page 321, records of Jefferson County, Ohio, and being a part of the same premises conveyed by Charles Kuester, et al., to John Kuester, as recorded in Deed Book No. 127, page 320.