

I have carefully examined said contract, and finding it in proper legal form I hereby approve and return the same to you.

Respectfully,
GILBERT BETTMAN,
Attorney General.

76.

APPROVAL, FINAL RESOLUTION ON ROAD IMPROVEMENTS IN
HANCOCK COUNTY.

COLUMBUS, OHIO, February 8, 1929.

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

77.

APPROVAL, NOTES OF MARION TOWNSHIP RURAL SCHOOL DIS-
TRICT, FRANKLIN COUNTY—\$130,000.00.

COLUMBUS, OHIO, February 8, 1929.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

78.

APPROVAL, DEED OF EASEMENT TO FLOOD CERTAIN LANDS OF THE
GIRLS' INDUSTRIAL SCHOOL, DELAWARE, OHIO.

COLUMBUS, OHIO, February 8, 1929.

HON. H. H. GRISWOLD, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—There has been submitted for my approval deed of easement and release from the State of Ohio to the city of Columbus, granting the right to an easement to permanently flood certain lands of the State of Ohio at the Girls' Industrial School, as specifically described therein. There has also been submitted with said deed of easement and release evidence of the completion by the city of Columbus of its part of an agreement entered into in 1922 between said city of Columbus and the Department of Public Welfare. Said agreement was made in accordance with the provisions of House Bill No. 362, 81st General Assembly, 109 Ohio Laws, 207.

Said deed of easement and release is correct as to form and I am accordingly returning the same to you herewith, together with all the papers attached, with my approval noted thereon.

Respectfully,
GILBERT BETTMAN,
Attorney General.

79.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF G. F. THOMAS,
JEFFERSON TOWNSHIP, ADAMS COUNTY.

COLUMBUS, OHIO, February 9, 1929.

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

DEAR SIR:—This is to acknowledge receipt of your recent communication again submitting for examination and opinion Abstract of Title, Warranty Deed, Encumbrance Estimate, Number 4767, and Controlling Board Certificate relating to a tract of two hundred ninety-nine (299) acres of land in Jefferson Township, Adams County, Ohio, of which one G. F. Thomas, trustee in trust for the Bank of Peebles, Peebles, Ohio, is the owner of record, and which property is more particularly described in Opinion No. 3123 of this department, directed to you under date of January 10, 1929.

In the former opinion of this department here referred to, the title of G. F. Thomas as trustee in trust for the Bank of Peebles was disapproved on account of certain substantial and jurisdictional defects in the proceedings in the Court of Common Pleas of Adams County whereby the said G. F. Thomas, as trustee aforesaid, obtained record title to the lands here in question.

As noted in said former opinion, said court proceedings were instituted by Anna E. Best as Administratrix of the estate of A. J. Best, deceased, to sell these lands for the purpose of administering the estate of the said A. J. Best, who formerly owned these lands, it being the claim of the Administratrix, as plaintiff in said case, that the deed formerly executed by the said A. J. Best and Anna E. Best, his wife, to G. F. Thomas, trustee in trust for the Bank of Peebles, was not a deed which had the effect of conveying absolute title to said land but was only a mortgage.

It was further pointed out in said opinion that certain parties defendant in said action, to-wit: Anna E. Best, Olive Myers, Charles Best, Lillian Sheeley, and William Best, who were next of kin of said A. J. Best, deceased, and who had the next estate of inheritance from him in and to said lands, were not served with summons in said action, nor was their appearance otherwise entered therein. Inasmuch as the Court in said proceedings found that the deed formerly executed by A. J. Best and Anna E. Best, his wife, to G. F. Thomas, trustee in trust for the Bank of Peebles, was a mortgage, it follows that the individuals above named were necessary parties in said action whose rights could not be cut off unless they were served with summons in said action or their appearance was otherwise entered therein. It was for this defect in the proceedings, as shown by the abstract, that the title of said G. F. Thomas, trustee, was disapproved.

Upon return of said abstract to the abstracter, after the opinion of this department on the title to these lands was directed to you, said abstracter prepared and made a