

2962.

APPROVAL, BONDS OF SUMMIT TOWNSHIP, MONROE COUNTY—
\$6,000.00.

COLUMBUS, OHIO, December 3, 1928.

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

2963.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF W. S. BARTON IN
BENTON TOWNSHIP, HOCKING COUNTY, OHIO.

COLUMBUS, OHIO, December 3, 1928.

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

DEAR SIR:—You have submitted an abstract certified by Robert Swinehart, abstracter, on October 11, 1928, which is accompanied by an encumbrance estimate and deeds covering 63.28 acres of land situated in the county of Hocking, township of Benton, within the Sections Nos. 13 and 14 of Township 11, Range 18, which said lands are more particularly described in the caption of said abstract and in the deed and encumbrance estimate which you also submit. You request my opinion upon the status of the title of the lands under consideration as disclosed by said abstract.

According to the abstract said premises appear upon the tax duplicate of said county in the names of the heirs of W. S. Barton, deceased. An examination of said abstract discloses the following:

1. On page 7 a conveyance is shown by William Large to John Oaks, the date of which was January 10, 1862. It does not appear from said abstract whether the said William Large was married or single on the date of the execution of said deed. This probably is not important, in view of the time that has expired since the date of the deed.

2. On page 10 a conveyance is shown from James R. Glass to Ephriam Temple. The date of this conveyance is March 30, 1876 and it does not appear whether the said James R. Glass was married or single.

3. On page 17 there is shown an affidavit of transfer of real estate inherited from W. S. Barton, deceased, to his heirs therein named. There is nothing set forth with reference to the administration of the estate of the said W. S. Barton who died on July 26, 1923, excepting that the executor makes affidavit that his final account has been filed. It is believed that the proceedings in the Probate Court should be abstracted sufficiently to disclose if it be true that all debts of the decedent were paid, that there was a determination relative to the inheritance taxes, and that the same had been paid, if any found due, and that the final account has been duly confirmed. Also it should be shown from the record of the Probate Court who the heirs of the said W. S. Barton were.

4. It is further pointed out that H. G. Barton, one of the heirs of the said W. S. Barton, on July 27, 1928, granted to the Ohio Fuel and Gas Company certain rights with reference to the laying of pipe lines on the premises in question. (See page 20.) Also, on the last page of said abstract there are mentioned certain oil and gas leases

given upon said premises by W. S. Barton. These leases and easements should be considered in order that it may be determined to what, if any extent, the same may affect the enjoyment of the premises for the purpose the state intends to use them.

In view of the foregoing, it is evident that the title can not be approved until such time as the abstract is corrected or supplemented, correcting the objections hereinbefore noted.

Said abstract, deed and encumbrance estimate are returned herewith.

Respectfully,

EDWARD C. TURNER,

Attorney General.

2964.

LEASES TO PORTIONS OF ABANDONED SIDNEY FEEDER TO MIAMI AND ERIE CANAL LANDS IN THE CITY OF SIDNEY—12 APPROVED—2 DISAPPROVED.

COLUMBUS, OHIO, December 3, 1928.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This will acknowledge your letter of November 30th, asking my approval of the assignments of the following leases for a portion of the abandoned Sidney Feeder to the Miami and Erie Canal Lands in the City of Sidney, Ohio:

<i>Name</i>	<i>Valuation</i>
Slusser-McLean Scraper Co.....	\$ 400 00
Slusser-McLean Scraper Co.....	5,000 00
Slusser-McLean Scraper Co.....	200 00
David Oldham.....	200 00
David Oldham.....	600 00
Peerless Bread Machine Co.....	633 34
C. A. Sexauer.....	2,000 00
Jacob Zimmerman.....	100 00
Joseph Spraul.....	100 00
Miami Valley Electric Co.....	1,666 67
Miami Valley Electric Co.....	1,666 67
C. C. C. & St. L. R. R.....	500 00

I am returning the following leases included in the above list, without approving them, pursuant to your request conveyed to me by Mr. Miller:

<i>Name</i>	<i>Valuation</i>
Slusser-McLean Scraper Co.	\$400 00
C. C. C. & St. L. R. R.	500 00

I have examined the assignments on the other leases and am of the opinion that they are in all respects in proper form and I am accordingly returning them herewith with my approval noted thereon.

Respectfully,

EDWARD C. TURNER,

Attorney General.