

3621.

APPROVAL, BONDS OF GIBSONBURG EXEMPTED VILLAGE SCHOOL DISTRICT, SANDUSKY COUNTY, OHIO—\$8,056.73.

COLUMBUS, OHIO, December 12, 1934.

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

3622.

APPROVAL, BONDS OF YORK TOWNSHIP RURAL SCHOOL DISTRICT, MORGAN COUNTY, OHIO—\$2,851.28.

COLUMBUS, OHIO, December 12, 1934.

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

3623.

DISAPPROVAL—ABSTRACT OF TITLE, WARRANTY DEED AND CONTRACT ENCUMBRANCE RECORD NO. 20 RELATING TO THE PURCHASE OF LAND IN SALEM TOWNSHIP, JEFFERSON COUNTY, BY THE STATE OF OHIO.

COLUMBUS, OHIO, December 12, 1934.

HON. WILLIAM H. REINHART, *Commissioner, Division of Conservation, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval an abstract of title and warranty deed and contract encumbrance record No. 20 relating to the proposed purchase by the state of Ohio of a tract of land in Salem Township, Jefferson County, Ohio. This tract of land is a part of Section 18, Township 10, Range 3 of the Seven Ranges survey and is more particularly described as follows:

“Beginning in East boundary of the Section 18 Township 10 and Range 3, 40 perches North of the southeast corner of the same; thence 40 perches with McClellands land; thence south 40 perches with McClelland’s land to South boundary of said section to station No. 3; thence west 84.8 perches to station No. 4; thence North 18 deg. east 44.7 perches to a post, station No. 5 from which a white oak, 2”D. bears south from which white oak 2”D bears South 53½ deg. West 22 links; thence 12 deg. west 30 perches to a stump, a jack-oak 12” in Diameter bears 32½ deg. 40 links; thence north 34 deg. East 31.6 perches to a white oak; thence north 15¼ deg. east 26 perches to a post, a white oak 18” in Diameter; north 6 deg. east 32 links; thence 54½ deg. west 15.1

perches to a white oak, 20" in D.; thence north 43 deg. west 27.1 perches to a hickory 10" in D.; thence north $\frac{1}{2}$ deg. west 79.9 perches to a large white oak on the lower side of the road; thence north $4\frac{1}{2}$ deg. west 28.9 perches to a small white oak corner to Kirkpatrick's and Morrisons; thence south 53 deg. east 138 perches to station No. 13; thence south 79 deg. east 11.1 perches to the east boundary of said section and corner to Kirkpatrick's; thence south 129.6 perches to the place of beginning containing 129 Acres more or less."

From the description of the tract of land here in question it appears that the same is for the most part or altogether in the Southeast Quarter of Section 18 of the township and range referred to. Looking to the abstract of title submitted to me it appears that the only part of said section which is covered by government patent is the Northeast Quarter thereof which was conveyed by government patent to one Alexander Moore under date of August 25, 1825. This conveyance is shown at page 1 of the abstract. At page 2 of the abstract appears a conveyance from Alexander Moore to Smyth and Morrison of a tract of 129 acres of land which appears to be in whole or in part in the Southeast Quarter of this section although, as above noted, there is nothing in the abstract to show how Moore or anybody else got title to the Southeast Quarter of said section.

Thereafter this 129 acre tract of land was conveyed and re-conveyed, by undivided half interests and otherwise, until in the year 1863 we find one William Dotts claiming the record title to all of the east half of Section 18 which would, of course, include the Southeast Quarter of this section, the title to which is defective for the reason above stated. In 1864 William Dotts conveyed to one John W. Scott the 129 acre tract of land theretofore, in the year 1840, conveyed by Alexander Moore to Smyth and Morrison and shown at page 2 of the abstract.

From the warranty deed which has been tendered to the state I assume that Harry J. Crawford and John T. Crawford are the present owners of record of the tract of land here in question which the state proposes to purchase. This tract of land is a part of a 50 acre tract of land which came down to the Crawfords by mesne conveyances from some persons by the name of Umensetter who in turn acquired the property in the year 1901 from John W. Scott, above referred to. The description of this 50 acre tract of land, as it appears in the conveyance to John W. Scott from the Umensettors, seems to indicate that the tract of land is located in the Southeast Quarter of Section 18 although, as shown by the abstract, the property is described in said deed as being a part of the *Southwest* Quarter of said section. As to this, it is sufficient to say that there is nothing in the abstract to show that Scott or any of his predecessors in title ever obtained title to any part of the Southwest Quarter of said section.

The conveyance by which the Crawfords obtained title to this property is shown at page 15 of the abstract as one in which "L. W. Ramsay et Ex." conveyed this 50 acre tract to "Harry J. Crawford et al". This conveyance was under date of August 20, 1927, and an obvious objection to the abstract thereof is that there is nothing in the abstract to show how many persons other than Harry J. Crawford obtained title by undivided interests in this property in and by the conveyance from Ramsay. The objection above noted with respect to the abstract of the deed from Ramsay to Harry J. Crawford and others can be made with equal propriety to the abstract of practically all of the deeds in the chain of title to this property.

For the reasons above stated I am unable to approve the title to this property on the abstract submitted and I am returning this abstract to you for transmission

to the attorney representing the Crawfords for correction with respect to the matters above indicated.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

3624.

APPROVAL—CERTAIN LEASES FOR STATE GAME REFUGE IN CARRYALL TOWNSHIP, PAULDING COUNTY, OHIO.

COLUMBUS, OHIO, December 12, 1934.

HON. WILLIAM H. REINHART, *Commissioner, Division of Conservation, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval certain leases executed to the state of Ohio by several property owners in Carryall Township, Paulding County, Ohio, leasing and demising to the State for the purpose therein stated tracts of land in said township and county.

The leases here in question, designated with respect to the number of the lease, the owner of the property and the acreage of land covered by the respective leases, are as follows:

Number	Name	Acreage
2260	Lewis and Louisa Smith	40
2261	Lewis and Louisa Smith	40
2262	Joseph A. Dunderman	105.56

Each and all of these leases are for a term of five years and in each instance the property described is leased to the State for the sole purpose of a state game refuge. And, in this connection, it is noted that as to each of these leases the Conservation Council, acting through you as Conservation Commissioner, has made an order setting aside the lands described in the lease for the purpose of a state game and bird refuge, as provided for in section 1435-1, General Code.

Upon examination of these leases, I find that the same have been executed and acknowledged by the respective lessors in the manner provided by law. I also find upon examination of the provisions of these leases and of the conditions and restrictions therein contained, that the same are in conformity with statutory provisions relating to the execution of leases of this kind.

I am accordingly approving these leases as to legality and form, as is evidenced by my approval endorsed upon the several leases and upon the duplicate copies thereof, all of which are herewith returned.

Respectfully,
 JOHN W. BRICKER,
Attorney General.