

in each particular case from the evidence. Neither the state nor the federal law prohibits the sale of malt syrups which are intended to be used for purposes other than the manufacture of intoxicating liquors.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

169.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF ALFRED D. EDWARDS, IN HOCKING COUNTY, OHIO.

COLUMBUS, OHIO, March 7, 1929.

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

DEAR SIR:—This is to acknowledge receipt of your communication of recent date submitting for my examination and approval abstract of title, warranty deed, encumbrance estimate No. 4793, and controlling board certificate, relating to the proposed purchase of certain tracts aggregating 202 acres of land in Hocking County, Ohio, owned by one Alfred D. Edwards. Said tracts of land are more particularly described as follows:

“The northwest quarter of the northeast quarter of Section 26, Township 11, Range 18. Also the northwest half of the northeast quarter of the northeast quarter of said section number twenty-six, commencing at the southwest corner of said quarter quarter section, running north to the northwest corner of said quarter quarter section, thence running east to the northeast corner of said quarter quarter section, thence running southwesterly to the southwest corner of said quarter quarter section to the place of beginning, containing 20 acres more or less, containing in all 60 acres.

Also the southeast quarter of Section 23, Township 11, Range 18, excepting therefrom 20 acres off of the northeast corner of said quarter section, containing 142 acres more or less.”

On examination of the abstract of title submitted, I find that said Alfred D. Edwards has a good and merchantable fee simple title to the above described lands subject only to the following exceptions:

1. The description of the tract of land in the southeast quarter of Section 23, Township 11, Range 18, is indefinite for the reason that the location of the twenty acres therein mentioned is not located otherwise than by the statement that the same is “off of the northeast corner of said quarter section.” In this connection I note that in the petition in the partition case, the proceedings in which have been abstracted, it is stated that said twenty acres is the north half of the northeast quarter of said southeast quarter of Section 23. In any event it should be an easy matter to locate and describe said excepted twenty acres and thereby make definite and certain the proper description of the remaining lands in the southeast quarter of Section 23, which are owned by said Alfred D. Edwards.

2. At the time the above described property was conveyed to Alfred D. Edwards by Charles F. Brandt, sheriff of Hocking County, it appeared that said lands were subject to an oil and gas lease owned by one J. C. Childs, and that said Alfred D.

Edwards took the conveyance of said lands subject to said oil and gas lease. There is nothing in the abstract to show the term of said lease, and I am unable to ascertain from the abstract whether said lease is in full force and effect at this time or not. Inasmuch as the date of said sheriff's deed to Alfred D. Edwards is May 15, 1901, it is altogether probable that said lease has long since expired. However, information upon this point should be secured and made a part of the abstract.

3. The abstracter in his certificate states that the taxes for the first half of the year 1928 have been paid. I assume from this that the taxes for the last half of the year 1928 have not been paid and such taxes are of course a lien on these lands.

On examination of the warranty deed of said Alfred D. Edwards to the State of Ohio, I find that the same has been properly executed and acknowledged. The description therein contained of the lands in question is subject to the exception above noted with respect to the indefinite description of the twenty acres excepted from the southeast quarter of Section 23, and in addition to this exception the description contained in the deed is subject to the further exception arising out of the omission of the word "quarter" after the word "quarter" in the call which appears in said deed as follows: "running north to the northwest corner of said quarter section." The deed should be corrected with respect to the matters here pointed out.

On examination of encumbrance estimate No. 4793, relating to the purchase of the above described lands, shows that the same has been properly executed and that there is a sufficient balance in the proper appropriation account to pay the purchase price of the land.

The controlling board certificate submitted shows that under date of December 20, 1928, the control board authorized the purchase of the land here in question but apparently did not release any particular sum of money for the purpose.

I am herewith enclosing the said abstract, warranty deed, encumbrance estimate and controlling board certificate with the request that the abstract and warranty deed be corrected to meet the objections above noted.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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170.

APPROVAL, NOTES OF FAIRFIELD TOWNSHIP RURAL SCHOOL DISTRICT, BUTLER COUNTY—\$150,000.00.

COLUMBUS, OHIO, March 7, 1929.

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

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171.

APPROVAL, BONDS OF NEW BAZETTA RURAL SCHOOL DISTRICT, TRUMBULL COUNTY—\$1,200.00.

COLUMBUS, OHIO, March 7, 1929.

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