

to drill and test the coal and the right to mine and remove the same is, that it is not definitely limited to mining operations and the removal of the coal by means of underground approaches. This reservation gives the grantors the right to use surface land, if necessary, for mining operations; and thus might constitute a serious interference with the use and enjoyment of the surface land by the State of Ohio.

Otherwise, the form of the deed and execution thereof is approved; and will, when delivered, convey good title to the 32.3 acres subject to the coal rights reservation, to the State of Ohio.

I can not approve the deed as now drawn and executed. The abstract of title and form of deed are herewith returned to you.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1035.

APPROVAL, ABSTRACT OF TITLE TO LAND IN ROSS 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 warranty 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 Ross Township, Jefferson County, Ohio, said land consisting of one tract containing 74 acres, bounded and described as follows:

“Being a part of the Southwest quarter of Section 13, Township 11, Range 3, beginning at the S. W. corner of said section; thence with section line N. 2150 feet; thence N. $62\frac{1}{2}^{\circ}$ E. 364 feet; thence S. 4° W. 754 feet; thence S. $61\frac{1}{2}^{\circ}$ E. 580 feet; thence S. $20\frac{1}{2}^{\circ}$ W. 300 feet; thence S. $77\frac{1}{2}^{\circ}$ E. 379 feet; thence N. $84\frac{1}{2}^{\circ}$ E. 719 feet; thence N. $65\frac{1}{2}^{\circ}$ E. 840 feet to the Shane Town Road; thence with road as follows, S. 221 feet; S. 22° W. 300 feet; S. 2° E. 250 feet; S. 24° E. 286 feet; S. 7° W. 366 feet to the section line; thence with the section line W. 2500 feet to the beginning. Containing 74 acres.

Being a part of the premises conveyed by Benjamin F. Dye, et al., to Marcellus S. Dye, et al., shown in Deed Record No. 94, Page 69, of the records of Jefferson County, Ohio.

That Mary E. Dye and Eva M. Dye are one and the same persons and her true name is Mary E. Dye.”

Upon examination of the resubmitted abstract, I am of the opinion that the same shows a good and merchantable title to the land in Marcellus S. Dye and Eva M. Dye, his wife, subject to the following encumbrances:

1. The Bergholz Telephone Company easement described in the paragraph numbered 5, Opinion No. 893, rendered under date of August 18, 1927, still exists.
2. The June instalment of the 1926 tax, amounting to \$14.25, is unpaid and a lien.
3. The 1927 taxes, amount undetermined are also unpaid and a lien.

4. An assessment for the construction of the Richmond-Pravo Road amounting to \$601.32, payable in twelve instalments of \$50.06 each, the next instalment being payable in December, 1927, is a lien.

The abstract does not 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 Marcellus S. Dye and Mary E. Dye, his wife, under date of August 29, 1927, and acknowledged before a Notary Public. The deed recites that Mary E. Dye and Eva M. Dye are one and the same person and that her true name is Mary E. Dye. The 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.

1036.

PUBLICATION OF MUNICIPAL ORDINANCES NOT AFFECTED BY
AMENDMENT OF SECTION 4228, GENERAL CODE, 87TH GENERAL
ASSEMBLY.

SYLLABUS:

The amendment of Section 4228, General Code, as made by the 87th General Assembly, has no practical effect so far as the designation of newspapers for the publication of municipal ordinances, resolutions, statements, orders, proclamations, notices and reports required by law or ordinance to be published, is concerned.

COLUMBUS, OHIO, September 22, 1927.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—This will acknowledge receipt of your inquiry, as follows:

“House Bill No. 283 O. L. 112 amended Sec. 4228, G. C., and provides for the publication of all municipal ordinances etc., in two newspapers of opposite politics published and of general circulation in such municipality if there be such newspapers; if two English newspapers are not published and of general circulation in such municipality then in one such political newspaper and one other English newspaper published and of general circulation therein; if no English newspaper is published and of general circulation in such municipality then in any English newspaper of general circulation therein, etc.

This section formerly provided for publication of ordinances etc., in newspapers printed and of general circulation in the municipality and it is not clear to us just what is meant by publication in newspapers published and of general circulation in such municipality.

Section 6255, G. C., was not amended and provides that: