

2676.

## DISAPPROVAL, BONDS OF JACKSON-FARMERSVILLE SCHOOL DISTRICT, MONTGOMERY COUNTY, OHIO—\$5,000.00.

COLUMBUS, OHIO, December 15, 1930.

Re: Bonds of Jackson-Farmersville School District, Montgomery County, Ohio, \$5,000.

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

GENTLEMEN:—The transcript relative to the above bonds discloses that these bonds are part of an issue in the aggregate amount of \$135,000 authorized September 6, 1922. The proceedings leading up to the authorization and issuance of these bonds became pending in that year. These bonds not being authorized by a city school district, an exempted village school district, a village school district or a rural school district, I advise against their purchase. Opinion No. 2659, rendered to your board December 10, 1930.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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2677.

## APPROVAL, BONDS OF MT. PLEASANT VILLAGE SCHOOL DISTRICT, JEFFERSON COUNTY, OHIO—\$46,000.00.

COLUMBUS, OHIO, December 15, 1930.

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

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2678.

## APPROVAL, ABSTRACT OF TITLE TO LAND OF J. K. MAYNARD, MAHALA MURRAY AND MARY MAYNARD IN NILE TOWNSHIP, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, December 15, 1930.

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

DEAR SIR:—This is to acknowledge receipt of your recent communication submitting for my examination and approval an abstract of title, warranty deed, encumbrance estimate No. 794, controlling board certificate and other files, relating to the proposed purchase by the State of Ohio of a certain tract of land containing two hundred and seventy acres, more or less, in Nile Township, Scioto County, Ohio. This property is owned of record by J. K. Maynard, Mahala Murray and Mary Maynard, and is more particularly described as follows:

"Located on the west side of Turkey Creek. To-wit: Being a part of Surveys Nos. 15396 and 15447. Beginning at a poplar, corner to Nick Arger's land, and in line of Survey No. 13673; thence with three lines of said Survey, N. 48, W. 28 poles to a black oak on the point; thence down the hill, N. 38 poles to a beech standing in the hollow; thence around the tract known as the Grice 20 acre tract, up the hill, N. 30 W. 75 poles to a pine on a high point; thence N. 5, W. 16 poles to a pine; thence N. 50, E. 80 poles to line of Survey No. 14180, NW. corner to a six acre tract, old call 4 oaks gone, now two white poplars; thence with No. 14180, N. 77, W. crossing run at 155 poles, 170½ to old call, 3 linns, NW. corner of Survey No. 14180, and in line with the Nelson Odle 119 acres tract: thence with the Nelson Odle tract S. 20, E. 11 poles to an iron wood, corner to Nelson Odle 119 acre tract and beginning corner to a 5 acre tract sold by Nathan Burriss to Nelson Odle; thence around the 5 acre tract, S. 33½, E. 4 poles and 19 links to stones standing up edgewise in the creek or run; thence up the run, S. 38, W. 12 poles 19 links to a chestnut at the mouth of a small branch, chestnut gone; thence S. 70, W. 46 poles to a gum; thence S. 44, E. 8.56 poles to a beech; thence S. 65, W. 40 poles to a forked hickory on top of hill; thence with the ridge N. 80, W. 8 poles, 6 links to a hickory in aforesaid line of Odle and Burriss; thence with it S. 59, W. about 72 poles to a white oak, corner to Survey No. 14184 and Nos. 15834-15878; thence up the run, with Nos. 15834-15878, S. 40, E. 59 poles to an iron Wood hickory; thence up the hill, E. 168 poles to old call, chestnut and two hickories; thence S. 154 poles to a white oak in the line on a ridge, dividing the waters of Turkey creek and Ignatius Burriscrun, so called; thence around the dividing ridge, N. 69, E. 11.52 poles, N. 69½, E. 18 poles N. 74, E. 9 poles; thence N. 81½, E. 12 poles to a stake on High knob; thence S. 63, E. 3 poles; thence S. 39, E. 14 poles; thence S. 64½, E. 8 poles to a pine corner to Nick Argeras land (pine gone now, pile of stones; thence down the hill with Nick Argers (old call Bolts land) line, N. 23½, E. 96 poles to a white oak stump (nearly gone) below a road; thence N. 16 E., crossing road 13 poles and 8 links to beginning."

Upon examination of the abstract of title submitted, I find that said J. K. Maynard, Mahala Murray and Mary Maynard have a good and merchantable fee simple title to the above described property, free and clear of all encumbrances except the taxes upon said property for the year 1930, the amount of which is not stated in the abstract.

Upon examination of the warranty deed tendered by the owners of this property, I find that the same has been properly executed and acknowledged in the manner provided by law and that the form of said deed is such as to convey the above described property to the State of Ohio by fee simple title, free and clear of the dower interests of the respective spouses of the above named persons holding the record title to this property, and free and clear of all encumbrances whatsoever.

Encumbrance estimate No. 794, which has been submitted as a part of the files relating to the purchase of this property, has been properly executed and approved and the same shows that there is a sufficient balance in the proper appropriation account to the credit of the Ohio Agricultural Experiment Station to pay the purchase price of the above described property, which purchase price is the sum of one thousand three hundred and fifty dollars.

It likewise appears from a certificate over the signature of the president of the Board of Control that the money necessary to pay the purchase price of said property has been duly released by said Board of Control for this purpose.

I am therefore returning to you with my approval, said abstract of title, war-

ranty deed, encumbrance estimate No. 794, controlling board certificate and other files submitted to me, which relate to the purchase of said property.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

2679.

ELECTION—DEMAND FOR RECHECK—SECRETARY OF STATE AS CHIEF ELECTION OFFICER MAY REQUIRE SUCH RECHECK BY COUNTY BOARDS OF ELECTION WHEN.

*SYLLABUS:*

*When, under the provisions of Section 4785-155, General Code, the Secretary of State has opened the abstracts submitted to him in accordance with the provisions of Section 4785-153, General Code, showing the votes cast for the offices included in the abstract, submitted to the president of the senate under the provisions of Section 4785-154, General Code, and publicly canvassed these returns,—in the event he has reason to believe that material errors may exist in some or all of the abstracts received by him from the various counties, it is his duty as chief election officer charged with the enforcement of the election laws, to require the boards of elections of such counties to recheck the abstracts submitted to him or resubmit new abstracts of the precinct vote for any office included in such abstracts, in order that any county boards of elections which might have made errors in the preparation of their abstracts may have an opportunity to correct such errors, thus enabling the president of the senate, during the first week of the session of the General Assembly in January next following the election, to have correct abstracts to canvass as provided in Section 3, Article III of the Constitution and Section 4785-154 of the General Code.*

COLUMBUS, OHIO, December 15, 1930.

HON. CLARENCE J. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—Your letter of recent date is as follows:

“A matter has arisen upon which as Secretary of State I have been directed to obtain your official opinion.

Sections 4785-154 and 4785-155 provide for the canvassing of the abstracts of the votes cast at the general election for various officials, including the elective state offices of Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State and Attorney General.

Section 4785-155 provides that after the Secretary of State receives the abstracts of the votes from all of the counties he shall fix a day and hour and place for publicly canvassing the returns and notify the Governor, Auditor of State, and Attorney General who shall attend. He shall also notify the Chairman of the State Central Committee of each political party who may have the right to be present or designate a witness to attend such canvass. Publicly and in their presence the Secretary of State shall open the returns of abstracts one, two and three herein provided for and when they are opened cause them to be read aloud. As they are read aloud the Secretary of State shall cause the figures to be compiled showing the number of votes given for