

3418.

APPROVAL, AGREEMENT FOR ELIMINATION OF GRADE CROSSING
IN THE CITY OF SPRINGFIELD, CLARK COUNTY, OHIO.

COLUMBUS, OHIO, July 11, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted form of proposed agreement between the State of Ohio and the New York Central Railroad Company, lessee of the Cleveland, Cincinnati, Chicago and St. Louis Railway Company relative to:

“The Matter of the Elimination of the Grade Crossing over the track of the Cleveland, Cincinnati, Chicago and St. Louis Railway located on State Highway No. 60 about 1400 feet east of the west corporation line of the City of Springfield, in Clark County, Ohio.”

After examination, it is my opinion that the proposed agreement is in proper legal form and when properly executed, will constitute a valid contract.

Respectfully,

GILBERT BETTMAN,

Attorney General.

3419.

APPROVAL, ABSTRACT OF TITLE TO LAND OF JOSEPH S. COCHRAN
AND JESSIE SCHAPPMAN IN GREEN AND JEFFERSON TOWNSHIPS,
ADAMS COUNTY, OHIO.

COLUMBUS, OHIO, July 11, 1931.

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

DEAR SIR:—Some time ago there were submitted for my examination and approval an abstract of title, warranty deed, encumbrance estimate No. 782 and a certificate of the board of control relating to the proposed purchase by the state of Ohio of certain tracts of land in Green and Jefferson Townships, Adams County, Ohio, which tracts of land are more particularly described as follows:

“FIRST TRACT—Situated in Green Township, part of Lot No. 123, O. S. U. (Surveyed by Isaac R. Harden, Surveyor, in March, 1930, for the Robert Cochran heirs.) Beginning at a stone (once a White Oak), it being a corner to Thomas Armstrong, on top of the ridge and about 500 yards to the S. E. of his barn; thence S. 19 deg. E. 66 poles to a stone (once a Chestnut, Hickory and Black Oak); thence S. 31 deg. 30' E. 57 poles to a stone, (once a Poplar and Dogwood); thence S. 64 deg. W. 32½ poles to a stone (once a large White Oak); a corner with Flagg and Armstrong, on top of a ridge; thence S. 25 deg. 45' E. 132 poles to a stone, corner to Flagg; thence S. 42 deg. E. 26 poles to a stone and three young Poplars, a corner with Flagg & Alpha Evans' land; thence

N. 33 deg. E. 26 poles to a stone & Dogwood in Evans' line with John Price on the east bank of a Ravine; thence N. 23 deg. 30' W. 178 poles to a stone with a notch cut in it on the west bank of a Ravine, a corner to John Price; thence with his lines N. 14 deg. 30' E. 64 poles to a stone (where a White Oak stood); thence N. 18 poles to a stone (once a White Oak) & corner with Armstrong; thence N. 67 deg. 30' W. 18 poles to a stone & double Black Oak; thence with Armstrong's lines 45 deg. and 30' W. 40 Poles to a stone; thence S. 26 deg. 30' W. 41 poles to the beginning, CONTAINING Sixty-Five Acres (65 A.), more or less. Clear and free of assessments of any kind.

SECOND TRACT—Part of Survey No. 14354, and is in the north-east corner of said survey, which was patented to McGinnis, in 1863, by President Lincoln, and surveyed by Isaac R. Harden, in March, 1930, for Robert Cochran heirs, and notes of description in Sheriff's Deed to Robert Cochran, and situate about half in Jefferson and half in Green Townships, and bounded and described as follows: Beginning at a stone and Gum in the N. Fork of Morris Run, in the original line of survey No. 14354; thence S. 58 deg. 30' E. 10 poles and 13½ feet to a stone; thence S. 45 deg. 30' E. 24 poles to a stone and Hickory; thence S. 69 deg. E. 12 poles to a White Oak, (now a stone); thence N. 19 deg. 30' E. 34 poles to a stone in the original line, (a corner to Carter, on the north side of the public road); thence in the line of Carter N. 29 deg. 30' W. 40 poles to a large Poplar stump and a large Chestnut down; a corner to survey No. 16018; thence S. 37 deg. 15' W. 50½ poles to the beginning, CONTAINING Fifteen and one-half Acres (15½ A.).

THIRD TRACT—Survey made by Isaac R. Harden, in March, 1930, for the Robert Cochran heirs, consisting of the whole of Survey No. 16095, of 550½ Acres, also 175 Acres of the whole of Surveys Nos. 14992, of 18 acres, and 15278, of 14 acres, and parts of Surveys Nos. 15144, 15432 and 16092, on the waters of Lower Twin Creek, in Green Township; Beginning at a Poplar and double Beech, N. E. corner to James H. Thompson's Survey No. 15573, and beginning at a stone on the north bank of a small ravine which empties into Gum Hollow from the east; thence with a line thereof N. 57 deg. W. 30 poles to a Hickory and Maple; also a stone marked and corner to survey No. 15814, now Robert Cooper; thence with said Cooper N. 81 deg. 15' W. 64 poles to a stone and two Lynns, a corner with Flagg & Robert Cooper; thence N. 59 deg. 45' W. 278 poles to a large Hickory (one of the original monuments) and a stone marked, a corner with Flagg and Walter Evans, and Survey No. 13797; thence with the line of said Evans N. 50 deg. E. 36 poles to a stone, originally a Poplar and Beech; thence N. 1 deg. 15' W. 71 poles to a Sugar Tree on the bank; thence N. 23 deg. E. 51 poles to a Sugar Maple; thence N. 14 deg. E. 17 poles to a stone, a corner to Survey No. 14992; thence up Lower Twin Creek N. 44 deg. 30' W. 18 poles to a stone near a Beech; thence N. 40 deg. 45' W. 48 poles to a stone marked H. witnessed by a Black Oak and Dogwood; corner with Walter Evans and John Murphy; thence N. 44 deg. 45' W. 20½ poles to a Sycamore; thence N. 10 deg. 30' W. 16.6 poles to a Beech; thence N. 50 deg. W. 7 poles to a stone and Butternut; (Originally a Sugar); thence N. 32 deg. W. 10 poles to a Sycamore; thence N. 28 deg. W. 26 poles to a stone and double Dogwood, (originally a Beech); thence N. 12 deg. 30' W. 12 poles to a Sycamore at the mouth of Gunwale Hollow, corner with Monteith; thence N. 32 deg. E. 6 poles to a large Sycamore in the hollow; thence N. 48 deg. E. 9 poles to a stone,

by a dead Beech snag on west bank of hollow, (original corner); thence N. 45 deg. E. 20 poles to a Beech on west bank of hollow; thence N. 50 deg. 30' E. 14 poles and 4 feet to a White Walnut; thence N. 38 deg. E. 28 poles to an Ash and Elm in the hollow; thence N. 44 deg. 30' E. 30 poles to an Ash and Maple on the bank of the hollow; thence N. 40 deg. E. 9 poles to a Hickory stump; thence N. 20 deg. E. 23 poles to a large Maple, marked; thence N. 28 deg. 45' E. 10 poles and 12½ feet to a stone, (originally a White Oak); thence N. 6 deg. E. 6 poles to a stone, (originally a Maple), corner with Monteith; thence N. 54 deg. E. 23 poles to a stone, Poplar and Maple, on the bank of the hollow, a corner with Reuben Graham, in Monteith's line; thence S. 42 deg. E. 20 poles to a stone on the ridge, (originally two Red Oaks); thence S. 20 deg. 15' E. 23 poles to a stone and twin Hickory marked; thence S. 19 deg. E. 13 poles to a stone and Ash, marked; thence S. 13 deg. E. 8 poles to a stone; thence S. 19 deg. E. 10½ poles to a Chestnut; thence S. 23 deg. 30' E. 10½ poles to five Hornbeams, at the mouth of a ravine; thence S. 21 deg. E. 10½ poles to a double White Walnut; thence S. 2 deg. E. 4 poles and 13½ feet to a Sycamore, marked; thence S. 51 deg. E. 9 poles and 11½ feet to a stone and Lynn; thence S. 27 deg. E. 15 poles to a stake by a double Lynn; thence S. 65 deg. 30' E. 6 poles and 12 feet to a stone; thence S. 31 deg. 30' E. 18 poles and 13 feet to a Poplar stump on the east bank of Beech Hollow; thence S. 35 deg. 30' E. 17 poles and 5 feet to a large Sugar tree in Beech Hollow; (Original stone gone); thence N. 40 deg. 15' E. 64 poles to four small Hickories, marked, a corner with Reuben Graham; thence S. 67 deg. E. 28 poles and 2 feet to a stone near a double Dogwood on the point; (passing Graham's corner in the hollow at 16 poles); thence S. 36 deg. W. 91 poles to a stone witnessed by a White Oak and Hickory; thence S. 74 deg. E. 58 poles to a Hickory, beginning corner to survey No. 14551; thence with the lines thereof S. 47 deg. E. 54 poles to a Beech, marked; thence N. 46 deg. E. 68 poles to a large Black Oak, easterly corner to said survey; thence S. 4 deg. 30' E. 410 poles to the beginning, CONTAINING Seven Hundred Twenty Five and one-half Acres (725½ A.), more or less."

The above described tracts of land were formerly owned by Robert Cochran who owned and held the same for a period of more than thirty years. Said lands are now owned and held by Joseph S. Cochran and Jessie Schappman, the children and only heirs of said Robert Cochran. Said Joseph S. Cochran and Jessie Schappman obtained title to all of the above described property by descent from their father, Robert Cochran, with the exception of a tract of about two hundred acres of land which Robert Cochran sold and conveyed to one Emma A. Quante under date of April 14, 1914, which tract of land was thereafter on January 28, 1930, sold and conveyed to Joseph S. Cochran and Jessie Schappman. This tract of land is included in the acreage of land above described.

There are some defects in the record title of Robert Cochran with respect to certain parcels and tracts of land included within the larger acreage above described which have not been cured. However, I am convinced from evidence furnished to me by affidavit and otherwise that said Robert Cochran owned and held all of the land here in question, for such length of time and in such manner as to give him a good independent title by adverse possession to such land.

I am therefore of the opinion, upon the abstract of title as the same has been corrected from time to time since it was originally submitted to, that Joseph S. Cochran and Jessie Schappman have a good merchantable title to the property

above described, free and clear of all incumbrances except the taxes on said property for the last half of 1930, the amount of which is not stated in the abstract, and except the undetermined taxes on said property for the year 1931. These unpaid taxes are, of course, a lien upon said property.

Upon examination of the warranty deed tendered by Joseph S. Cochran and Jessie Schappman, I find that said deed has been properly executed and acknowledged by them and by Irma B. Cochran and W. B. Schappman, wife and husband, respectively, of said Joseph S. Cochran and Jessie Schappman, and that the form of said deed is such that it is legally sufficient to convey the above described property to the state of Ohio by fee simple title, with general warranty that the title conveyed to the state is free, clear and unincumbered.

Encumbrance estimate No. 782, 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 unincumbered balance in the appropriation account to pay the purchase price of said property.

Said encumbrance estimate does not show the approval of the purchase of this land by the director of public works, who, under the provisions of section 154-40, General Code, is authorized to purchase all real estate required by the state or any department thereof. I assume, however, that the approval of the director of public works to the purchase of this property will be obtained before the voucher and warrant covering the purchase price of this property are issued.

It likewise appears from the certificate of the board of control submitted to me that said board duly approved the purchase of this land and released the money necessary to pay the purchase price of said property, which purchase price is the sum of thirty-six hundred dollars.

I am herewith returning said corrected abstract of title with my approval, subject to the exceptions above noted with respect to the lien of the taxes on said property; and I am likewise herewith enclosing with my approval said warranty deed, encumbrance record No. 782, the certificate of the board of control and other files submitted to me relating to the purchase of the above described property.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3420.

PRISONER—FEMALE—CONVICTED OF MAIMING OR DISFIGURING ANOTHER WITH CORROSIVE ACID—WHEN ELIGIBLE FOR PAROLE—WORD “MAY” IN SECTION 12416, GENERAL CODE, CONSTRUED.

SYLLABUS:

1. *The word “may”, as used in section 12416, General Code, is directory and not mandatory and a person convicted of maiming or disfiguring another by the use of corrosive acid can be sentenced for a term of years of not less than three nor more than thirty or for life, the latter sentence being discretionary.*

2. *A female over sixteen years of age sentenced to “be imprisoned in the Ohio Reformatory for Women at Marysville, Ohio, until released according to law”, after being convicted of using corrosive acid in maiming and disfiguring*