

vey; thence S. 26 E. to a poplar and hickory, and original corner to said survey; thence S. 87 deg. W. 32 poles to two white oaks; thence N. 32 deg. W. 42 poles to a white oak; thence W. 10 poles to the beginning, containing One Hundred (100) Acres, more or less, being the same land conveyed by John Vallery, Sheriff of Pike County, Ohio, to T. N. Shipman, by deed dated May 13, 1891.

THIRD TRACT: Being part of a tract containing 400 acres, and which is a part of the same lands located in the name of Julia H. and Evaline T. Conway, and survey No. 15593, being 100 acres and the eastern portion of said tract of 400 acres, bounded on the east by the east line of said 400 acre tract, being a straight line of 217 poles, and runs 2 deg. E. from a white oak corner to survey No. 3255 on the northern boundary line of said 400 acre tract; on the west by a line of said premises, and on the south side by the south boundary line of said 400 acre tract, containing 100 acres, more or less, all of the aforesaid land having been conveyed to A. J. Miller by deed dated June 23, 1888."

You also inform me that said tract of 300 acres of land is to be purchased for the sum of \$5.50 per acre, or a total sum of \$1,650.00.

The abstract under consideration was prepared by Lillian Flannigan, abstractor, under date of November 14, 1929. It shows that the premises were deeded to said Anna R. Overly on July 15, 1925, by a sheriff's deed, and that the Common Pleas Court of Pike County, preceding the execution of said deed, cancelled a mortgage of \$1,500 against said premises which had appeared on the recorder's records as unsatisfied since April 10, 1917. The abstract discloses that no examination has been made in the United States Court or any of its subdivisions.

You have submitted tax receipts showing that taxes against said premises due at the June, 1929, settlement are paid.

Upon examination of said abstract, I am of the opinion that same shows a good and merchantable title to said premises to have been in Anna R. Overly, a widow, on November 14, 1929.

The warranty deed is in proper form and sufficient to convey title in the premises to the State of Ohio; it is to be observed that the grantee in the deed agrees to assume and pay taxes due and payable in December, 1929.

The Controlling Board's certificate and encumbrance estimate are in due form and executed by the proper officials.

I am herewith returning said abstract of title, warranty deed, encumbrance estimate and Controlling Board's certificate.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1309.

CRIMINAL DOCKET—MAYORS OF CITIES HAVING NO POLICE COURT
AND VILLAGES REQUIRED TO KEEP.

SYLLABUS:

The mayor of a city not having a police court, and the mayor of a village, must keep a criminal docket and make entries of proceedings before him immediately as they occur.

COLUMBUS, OHIO, December 18, 1929.

HON. RUPERT BEETHAM, *Prohibition Commissioner, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your letter of recent date, which is as follows:

"We have found several instances where mayors have not kept any docket. All the record they have of cases held before them is on loose sheet or scraps of paper lying about or in their desks.

Please advise if a mayor is required to keep a docket and, if so, is he required to record all cases in it and how soon must they be recorded."

The statutes of Ohio clearly set forth the duties of a mayor of a municipality with respect to the keeping of a docket and the making of entries therein. Section 4527 of the General Code provides as follows:

"In cities, not having a police court, the mayor shall have final jurisdiction to hear and determine any prosecution for the violation of an ordinance of the corporation, unless imprisonment is prescribed as part of the punishment, and in keeping his dockets and files, he shall be governed by the laws pertaining to justices of the peace."

Section 4535 of the General Code provides as follows:

"In villages, the mayor shall have final jurisdiction to hear and determine any prosecution for the violation of an ordinance of the corporation unless imprisonment is prescribed as part of the punishment, and in keeping his dockets and files, he shall be governed by the laws pertaining to justices of the peace."

These statutes provide that the mayor of a city not having a police court, and the mayor of a village, shall be governed by the laws pertaining to justices of the peace with reference to the keeping of a docket.

Section 1724 of the General Code provides that certain specified entries must be made by justices of the peace in a civil docket.

Section 1725 of the General Code provides as follows:

"The entries specified in the preceding section must be made under the title of the action to which they relate, and at the time when they occurred. Bills of exception need not be spread upon the docket, but the justice shall simply enter on his docket the signing and filing with date thereof. Such entries in a justice's docket, or a transcript thereof, certified by the justice or his successor in office shall be evidence to prove the facts stated therein."

Section 1740 of the General Code provides as follows:

"A justice of the peace shall provide himself with a substantial criminal docket in which he shall enter all the proceedings before him in all criminal cases with a like particularity as is required in his civil docket as to civil actions. He shall also make and keep therein an alphabetical index in which he shall enter the names of all defendants in such cases, with reference to the pages of the entries."

From a reading of these sections of the General Code of Ohio quoted above, it is apparent that a mayor of a city not having a police court, and the mayor of a village, must keep a criminal docket and make entries of the proceedings before him at such

times as they occur. A docket is a public record to be kept open to the public so as to enable persons to determine the status of cases before a magistrate. A mere memorandum made for the magistrate's convenience, merely to aid his memory, cannot be of any service to the public.

In specific answer to your inquiry, I am of the opinion that the mayor of a city not having a police court, and the mayor of a village, must keep a criminal docket and make entries of proceedings before him immediately as they occur.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1310.

APPROVAL, ABSTRACT OF TITLE TO LAND OF GUSTAV H. MOEHLMAN
IN NORWALK, HURON COUNTY, OHIO.

COLUMBUS, OHIO, December 19, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination an abstract of title, deed form, encumbrance estimate No. 6298 and Controlling Board's certificate relating to the purchase of 1.27 acres of land and buildings thereon located in Norwalk, Huron County, Ohio, from Gustav H. Moehlman for the sum of sixteen thousand five hundred dollars (\$16,500.00), said property to be used as a garage and storage point in connection with state highway maintenance. Said property is more particularly described as follows:

Parcel I. Being part of original Out-lot number forty-three (43) described as follows: Commencing at the southwest corner of In-lot number 719, thence easterly along the southerly line of said In-lot No. 719, eighty and nine-tenths (80.9) feet to the southeast corner thereof; thence southerly along the westerly line of In-lots Nos. 613-612-611-610 and part of No. 609, two hundred seventy-eight and four tenths (278.4) feet to an angle; thence westerly sixteen and five-tenths (16.5) feet; thence southerly eighteen and twenty-six hundredths (18.26) feet to the northern right-of-way of The New York Central Railroad; thence westerly along the northerly right-of-way of said railroad a distance of two hundred sixty-two and seventeen hundredths (262.17) feet to the southeasterly corner of In-lot number 1008; thence northerly along the easterly line of In-lots Nos. 1008-241-242-243-244 and 245, a distance of three hundred forty-nine and seventy-five hundredths (349.75) feet to the place of beginning, and containing one and twenty-seven hundredths (1.27) acres of land, according to the survey of C. T. Williams, Huron County, surveyor.

Parcel II. Also, the right of free and unrestricted use for driveway purposes, of a strip of land ten (10) feet wide across the south side of In-lot No. 613, in said city of Norwalk; being part of the premises heretofore purchased by grantor from Charles Bostwick Parker and Ora Nile Parker Stewart, executors of the estate of Rosaltha G. Parker, deceased, as recorded in Vol. 110, pages 457-458 of Huron County Record of Deeds."

The abstract under consideration was prepared by The Tucker Abstract Company