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## DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF MARY ELIZABETH BAIRD, BENTON TOWNSHIP, HOCKING COUNTY.

COLUMBUS, OHIO, January 12, 1929.

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

DEAR SIR:—This is to acknowledge receipt of your recent communication inclosing for my examination and approval abstract of title, warranty deed, encumbrance estimate number 4768 and controlling board certificate, relating to the proposed purchase of a tract of 182 acres of land in Benton Township, Hocking County, Ohio, owned of record by one Mary Elizabeth Baird, formerly Mary Elizabeth Hamilton.

An examination of the abstract of title submitted discloses a number of objections which prevents my approval of the title of Mrs. Baird to the land here in question.

Part of the land here under investigation is the east half of the northeast quarter of Section 16, of Township 11, Range 18, Hocking County, Ohio. The abstract shows that under date of February 5, 1844, Wilson Shannon, then Governor of Ohio, pursuant to legislative authority conveyed to one Samuel Eby, the northeast quarter of Section 16, Township 11, Range 18. From the abstract it further appears that on April 17, 1857, James Carroll and wife conveyed said northeast quarter of Section 16, to one William Brown. There is nothing in the abstract, however, to show how the title of said northeast quarter of Section 16, came to said James Carroll or to his wife, nor is there anything in the abstract which shows the history of the title to said northeast quarter of Section 16, after Samuel Eby obtained title to the same by the deed from Governor Shannon.

An examination of the abstract further shows that thereafter one William Cain obtained record title to the northeast quarter of Section 16, by the deed of Thomas Radford, administrator of William Brown, deceased. On February 5, 1879, William Cain conveyed the east half of the northeast quarter of Section 16 to one Josiah Hamilton. Said deed was signed by William Cain alone, and there is nothing in the abstract to show whether William Cain, at the time of the execution of said deed, was married or single. If at the time of the execution of this deed William Cain was a married man and his wife is still living, she has, of course, a dower interest in the lands conveyed by said deed, unless such dower right and interest has in some manner become barred.

On May 15, 1876, John Crawford, Administrator of William Justice, deceased, conveyed to one Joshua Chilcote the northwest quarter of Section 16, Township 11, Range 18, excepting therefrom the southwest quarter of said quarter section, and also 30 acres off of the south side of the northeast quarter of Section 15, in said township and range. There is nothing in the abstract to show how the title to the land conveyed came to said William Justice, nor is there anything in the abstract which shows the previous history of the title of said lands.

It further appears from the abstract of title submitted, that on May 14, 1877, Joshua Chilcote and wife by warranty deed, conveyed to one Thomas R. Burns all of the northwest quarter of Section 15, Township 11, Range 18, as well as said 30 acres off of the south side of the northeast quarter of said section. The abstract fails to show how said Joshua Chilcote obtained title to the southwest quarter of said northwest quarter of Section 15.

On March 13, 1882, one Owen Hamilton, being the owner of record of the east half of the northwest quarter of Section 15 of said Benton Township and of said 30 acres off of the southside of the northeast quarter of said section, conveyed the same

to one Josiah Hamilton. The deed in this case is signed by Owen Hamilton alone and there is no information contained in the abstract as to whether or not at the time of the execution of this deed, said Owen Hamilton was married or single.

On December 29, 1903, A. W. Mauk, guardian of Owen Hamilton, conveyed to Joseph O. Hamilton certain property in Benton Township, Hocking County, Ohio, which property I assume, is part of that here under investigation. The abstract of said deed, however, does not set out the description of the lands thereby conveyed, nor is there any reference in the abstract of said deed to any part of the abstract of title submitted, from which a description of the lands conveyed by said deed can be ascertained. In this situation, it is impossible to trace with any accuracy the subsequent history of the title to the lands here under investigation.

All of the above exceptions relate to lands, a part of which form the tract of land here under investigation; and the objections here made are obviously of such a nature as prevent my approval of the title of Mrs. Baird to this land. Whether such title can be corrected by further information, or by any proceedings on the part of said Mary Elizabeth Baird, I will not at this time undertake to say. I can at this time do nothing further than to disapprove said abstract of title and return the same to you with the request that you return the same to Mrs. Baird for such further action as she may desire to take with respect to the matter of clearing up the title to the lands here in question.

With said abstract of title, I am herewith returning to you the warranty deed, encumbrance estimate and the controlling board certificate submitted to me with your communication above referred to.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

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3133.

CRABBE ACT—IMPRISONMENT OF FEMALE VIOLATORS IN OHIO REFORMATORY FOR WOMEN—COURTS HAVE POWER TO CORRECT RECORDS BUT NOT TO REMIT FINES OR SUSPEND SENTENCES—SECTION 2148-12a, GENERAL CODE, CONSTRUED.

*SYLLABUS:*

1. *Section 2148-12a of the General Code, which provides that, if a female is sentenced to pay a fine and costs as a whole or part of her sentence, which said fine and costs will cause imprisonment of thirty days or more, the court or magistrate may order that such female be remanded to the Ohio Reformatory for women until the fine and costs are paid or secured to be paid, and further providing for a credit of \$1.50 per day for each day's imprisonment, construed as prohibiting the commitment of a female for non-payment of a fine and costs to the county jail or any other penal institution and as requiring the commitment to such Ohio Reformatory for Women, where such fine and costs will cause imprisonment of thirty days or more.*

2. *Since Section 6212-17 of the General Code provides, as the minimum sentence thereunder, a fine of \$100.00, there is no authority in a court to commit a female violator of said section, for non-payment of fine, to any other penal institution than the Ohio Reformatory for Women.*