

Inasmuch as the section last quoted is in full force and effect it would seem from the facts and circumstances which you present that in the event such a person is committed to a feeble-minded institute the burden of her support would rest upon the county from which she is committed.

In view of the foregoing and in specific answer to your inquiry, it is my opinion that:

1. Where a feeble-minded child has resided in Ohio for more than a year it may be legally committed to an institution for the feeble-minded from the county in which it resides at the time of the application, with the consent of the Department of Public Welfare, notwithstanding said child has not a legal settlement in any county of the state.

2. When so committed the cost of maintaining said child in such institution shall be paid by the county from which it is committed.

Respectfully,

GILBERT BETTMAN,

*Attorney General.*

---

1738.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF WILLIAM TIPTON  
NILE TOWNSHIP, SCIOTO COUNTY.

COLUMBUS, OHIO, April 5, 1930.

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

DEAR SIR:—You have submitted for my examination and approval, abstract of title, warranty deed, encumbrance estimate No. 122 and Controlling Board's certificate relating to a certain tract of 109 acres of land in Nile Township, Scioto County, Ohio, and which is owned of record by one William Tipton. This tract of land is more particularly described as follows:

“Being in the Virginia District, beginning at a poplar standing one pole West of a branch North corner to Survey No. 15200;

Thence with two lines thereof S. 33 deg. 15' West 225 poles to a black oak and black oak gum in a cave West corner of said Survey;

Thence S. 56 deg. E. 28 poles to a stake on a sharp ridge;

Thence along ridge S. 73 deg 30' W. 15 61/100 poles to a line;

Thence N. 5 deg. 30' 14 28/100 poles to a stake and line;

Thence S. 85 deg. 45' W. 46 poles to a line;

Thence S. 74 deg. W. 28 poles to a stake;

Thence 1 deg. 30' E. 36 20/100 poles to a stake and stone pile;

Thence N. 34 deg. 30' W. 19 poles to two small pines and a chestnut oak;

Thence N. 4 deg. E. 17 72/100 poles to two white hickories from one root;

Thence N. 50 deg. 30' E. 20½ poles to a black jack;

Thence 63 deg. E. 12 60/100 poles to two small pines;

Thence 22 deg. E. 17½ poles to a stake and stone pile a little s. w. of the top of the ridge;

Thence N. 60 deg. 30' E. 22 poles to a hickory sapling;

Thence N. 22 deg. 45' E. 19 80/100 poles to a stake;

Thence N. 37 deg. 15' E. 12 poles to three jack oaks;

Thence N. 66 deg. 30' E. 13 68/100 poles to a line, black oak and a small hickory;

Thence N. 53 deg. E. 27 20/100 poles to a stake;

Thence N. 23 deg. E. 21 16/100 poles to a black jack;

Thence N. 47 deg. E. 11 68/100 poles to two jack oaks;

Thence N. 74 deg. 30' E. 9 76/100 poles to a small double black oak;

Thence S. 87 deg. E. 28 80/100 poles to a small pine two poles south of a round top;

Thence N. 8 deg. W. 2 88/100 poles to a hickory sapling on a round top;

Thence N. 33 deg. 40' E. 34 poles to a chestnut stump;

Thence S. 35 deg. 30' E. 17 80/100 poles to the beginning;

CONTAINING One hundred and nine (109) acres of land, more or less."

Upon examination of the abstract of title submitted with respect to this tract of land, I find that I am required to disapprove the title of said William Tipton, to this tract of land for the following reasons:

(1) Said William Tipton obtained title to the tract of land here in question by and through a quit claim deed executed by Carol Cunningham and Edward Cunningham, her husband under date of April 29, 1916. The only title that said Carol Cunningham had to this property was that which she obtained by a delinquent tax deed executed to her by the Auditor of said county, under date of February 11, 1916. Inasmuch as from a practical standpoint, no assumption can be made that the proceedings relating to the sale of this property at the delinquent tax sale were in all respects regular, and in strict conformity to the then statutory provisions relating to said matters, and sufficient time has not elapsed to bar the previous owner of the record title from asserting and showing the invalidity of said proceedings, the title of said William Tipton in and to this land is for this reason disapproved.

(2) On March 2, 1909, one Enma Wallace, being then the owner of the property here in question by fee simple title, executed a mortgage upon the same to one Z. M. Caudle to secure the payment of a note of \$135.00 with interest thereon, at 6% four months after the date of said note. This mortgage is not released of record, and sufficient time has not yet elapsed in order to bar the mortgagee's rights under the provisions of Section 8546-2, General Code.

(3) On June 18, 1909, one M. F. Gilliland was the owner of this property by fee simple title. On said date she, together with her husband, G. E. Gilliland, attempted to convey this property by warranty deed to one Biagio Serra. Although this deed was signed and acknowledged by said above named grantors, it was witnessed by only one person who apparently certified that he witnessed the same only as to said M. F. Gilliland. Said deed was in this respect defective and although the same had the effect of conferring upon said Biagio Serra an equity in said land by and through which he could enforce the conveyance of the legal title by a proper deed for the purpose, or by decree of court, said deed itself, was not sufficient to confer upon said grantee a perfect legal title.

(4) On June 28, 1909, said Biagio Serra being the owner of record of said property, conveyed the same by quit claim deed, to one G. W. Fairman. Although this deed was properly signed by said grantor and by his wife, Theresa Serra, the same was not acknowledged by said Theresa Serra, as required by law.

I am therefore returning to you said abstract of title without my approval with respect to the title to the 109 acre tract to which said abstract of title relates.

The warranty deed tendered by said William Tipton conveying this land, as well as encumbrance estimate No. 122 with respect to the proposed purchase price thereof in the sum of \$545 seem to be in all respects regular, and in proper form. Owing to the fact that the title of said William Tipton to this property is disapproved, the

warranty deed and encumbrance estimate are likewise herewith returned without further comment.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

1739.

APPROVAL, ABSTRACT OF TITLE TO LAND OF ELIZABETH McMANIS  
IN JEFFERSON TOWNSHIP, ADAMS COUNTY.

COLUMBUS, OHIO, April 5, 1930.

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

DEAR SIR:—There has been submitted for my examination and approval an abstract of title and other files relating to the proposed purchase of three certain tracts of land owned of record by one Elizabeth McManis in Jefferson Township, Adams County, Ohio. The tracts of land, the title to which is covered by said abstract, are more particularly described as follows:

FIRST TRACT: Beginning at a double Lynn to a corner to E. Tucker land and an original corner to Survey No. 14886; thence N.  $46\frac{1}{4}^{\circ}$  W. 55.6 poles to a dogwood and two chestnuts; thence N.  $60^{\circ}$  E. 22 poles to a stone in the original line; thence S.  $35^{\circ}$  E. 45 poles to a bush and Poplar; thence S.  $9^{\circ}$  W. 13 poles to the beginning, containing Six and Forty-five Hundredths (6.45) acres, more or less, part of A. D. Kendrick's Survey No. 14886.

SECOND TRACT: Beginning at the N. W. corner to F. M. Brown's land, a Dogwood in the line of Survey No. 14886, this corner is N.  $46^{\circ}$   $45'$  W. 55.6 poles from a Lynn, the original corner to No. 14886; thence S.  $73^{\circ}$  W. 18 poles to a stone on the bench of a hill near a black Oak; thence S.  $84^{\circ}$  W. 31 poles to a stone; thence N.  $25^{\circ}$  W. 11.6 poles to a red Oak; thence N.  $88^{\circ}$  W. 44 poles to a stone in the hollow, N.  $43^{\circ}$   $15'$  E. 32 poles to a stone in the line of No. 14886; thence with the same, S.  $46^{\circ}$   $45'$  E. 77 poles to the beginning, containing seventeen (17) acres, more or less, part of Lot No. 25, the State University Land.

THIRD TRACT: Beginning at a large chestnut, poplar and three gums a corner to Survey No. 16196; thence S.  $20^{\circ}$  E. 88 poles to a stone in an original line on the ridge near two small black Oaks; thence S.  $40^{\circ}$  W. 10 rods and 13 links to a stone in the road; thence S.  $68^{\circ}$  W. 8 rods to a stone; thence N.  $83^{\circ}$  W. 6 rods to a stone; thence S.  $63^{\circ}$  W. 3 rods to a stone; thence S.  $12^{\circ}$  W. 38 rods to a stone by a chestnut oak bush; thence S.  $39^{\circ}$  W. 13 rods to a stone near the road; thence S.  $59^{\circ}$  W. 37 rods to a stone by a hickory bush; thence N.  $23^{\circ}$  W. 7 rods and 11 links to a stone in an original line; thence N.  $70^{\circ}$  W. 85 poles to a stone; thence N.  $49^{\circ}$   $13'$  E. 168 poles to the beginning, containing eighty-three (83) acres, be the same more or less, part of Survey No. 25 College Lot, save and except 17 acres heretofore deeded to Mahala and James Holsinger, as described in Deed to Lizzie Knauff by John W. Paul, Sheriff of Adams County, leaving 66 (sixty-six) acres, for Perry Lacy, in Lot No. 25.