

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° E. 22 poles to a stone in the original line; thence S. 35° E. 45 poles to a bush and Poplar; thence S. 9° 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° $45'$ W. 55.6 poles from a Lynn, the original corner to No. 14886; thence S. 73° W. 18 poles to a stone on the bench of a hill near a black Oak; thence S. 84° W. 31 poles to a stone; thence N. 25° W. 11.6 poles to a red Oak; thence N. 88° W. 44 poles to a stone in the hollow, N. 43° $15'$ E. 32 poles to a stone in the line of No. 14886; thence with the same, S. 46° $45'$ 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° E. 88 poles to a stone in an original line on the ridge near two small black Oaks; thence S. 40° W. 10 rods and 13 links to a stone in the road; thence S. 68° W. 8 rods to a stone; thence N. 83° W. 6 rods to a stone; thence S. 63° W. 3 rods to a stone; thence S. 12° W. 38 rods to a stone by a chestnut oak bush; thence S. 39° W. 13 rods to a stone near the road; thence S. 59° W. 37 rods to a stone by a hickory bush; thence N. 23° W. 7 rods and 11 links to a stone in an original line; thence N. 70° W. 85 poles to a stone; thence N. 49° $13'$ 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.

Upon examination of said abstract of title, I find that Elizabeth McManis has a good and indefeasible fee simple title to each of said tracts of land, free and clear of all encumbrances whatsoever.

An examination of the warranty deed tendered by said Elizabeth McManis shows that same has been properly executed and acknowledged by her and by her husband, J. O. McManis, and that said deed as to form is sufficient to convey to the State of Ohio a fee simple title to the above described tracts of land, free and clear of all encumbrances and free and clear of the inchoate dower right of said J. O. McManis.

An inspection of the encumbrance estimate No. 129, submitted as part of the files relating to the purchase of the property here under investigation, shows that the same has been properly executed, and that there are sufficient balances in the proper appropriation account to the credit of the Ohio Agricultural Experiment Station to pay the aggregate purchase price of the three several tracts of land above described, said purchase price being the sum of \$650.00.

It further appears from the certificate of the Controlling Board that said board, acting under the authority of Section 11 of House Bill No. 510, 88th General Assembly, has released the above stated sum of \$650.00 for the purchase of this property.

I am herewith returning with my approval said abstract of title, warranty deed, encumbrance estimate No. 129, controlling board certificate and other files relating to this purchase.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1740.

JUSTICE OF PEACE—UNAUTHORIZED TO SUSPEND FINE FOR VIOLATION OF SECTIONS 12604 ET SEQ., GENERAL CODE—AUTHORIZED TO SUSPEND SENTENCE AND PAROLE DEFENDENT ON CONDITION THAT COSTS OF PROSECUTION ARE PAID.

SYLLABUS:

A justice of peace has no authority to remit or suspend the payment of a fine for a violation of Sections 12604 et seq., of the General Code. However, he may suspend the imposition of sentence and place the defendant on probation under control and supervision of a probation officer with the condition that the costs of prosecution be paid by the defendant.

COLUMBUS, OHIO, April 7, 1930.

HON. WINSTON W. HILL, *Prosecuting Attorney, Delaware, Ohio.*

DEAR SIR:—I am in receipt of your letter of recent date in which you request my opinion on the following question:

“May a justice of peace suspend a fine imposed for a violation of Section 12604 of the General Code, but require the defendant to pay the costs of prosecution?”

Sections 12604 to 12604-2, inclusive, provide certain regulations requiring drivers of vehicles upon the highways to come to a complete stop on approaching school busses receiving or discharging passengers. Section 12604-3 of the General Code