

113.

APPROVAL, BONDS OF CITY OF SHELBY, RICHLAND COUNTY, \$2,800.00.

COLUMBUS, OHIO, February 28, 1927.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

114.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND BELONGING TO J. O. HOVER, IN SHAWNEE TOWNSHIP, ALLEN COUNTY, OHIO, TO BE USED AS ARMORY SITE.

COLUMBUS, OHIO, February 28, 1927.

HON. FRANK D. HENDERSON, *Adjutant General of Ohio, Columbus, Ohio.*

DEAR SIR:—In re: Abstract of Title of Property of J. O. Hover et al. in Allen County, Ohio.

Examination of an abstract and warranty deed submitted for my examination and approval discloses the following:

The abstract submitted was prepared by Atmur & Atmur, Abstracters, Lima, Ohio, is dated February 21, 1927, and pertains to a tract of land located in the north-west quarter, Section No. One (1), Township Four (4) south, Range Six (6) east, Shawnee township, Allen county, Ohio; being a tract 400 feet by 400 feet lying along the Shawnee Road (also known as Amanda Road), said tract lying 130 feet north of Oxford Avenue, which is contemplated being transferred to the state of Ohio to be used as an armory site, and which real estate is more particularly and fully described in the deed and abstract.

(1) No. 3, page 4, contains the abstract of a deed from John H. Porter to Joseph Hoover. This deed was executed May 15, 1834, by John H. Porter and does not recite that he was an unmarried man. The title to the property was in said John H. Porter and, if he were married, his wife would only have had a dower interest therein, and since the deed was executed in the year 1834, it is certain that the wife is no longer living and her dower interest would be terminated and this irregularity does not affect the title to the land.

(2) On page 6 of the abstract we find the last will and testament of Joseph Hoover which was admitted to probate on the tenth day of September, 1844. In connection with the terms of said will a proceeding to partition the real estate of the said Joseph Hoover was instituted in the Common Pleas Court of Allen county on the eighteenth day of January, 1848. This partition proceeding was for the purpose of dividing property of which the tract in question is a part. It is noted that there is a discrepancy in the grantee in the transfer from John H. Porter to Joseph Hoover hereinabove referred to, and Joseph Hoover who made the will which was the basis of the suit in question. There is nothing in the abstract to show that Joseph Hoover and Joseph Hoover were one and the same person. If it be true, evidence of this fact should be supplied.

(3) On page 10 of the abstract I find in a court proceeding to partition lands,