

or sister, provided such president or clerk does not vote for such employment or participate in the making of such a contract otherwise than by signing a written contract which may be made between the parties, or performing whatever ministerial duties may devolve upon him as such president or clerk in connection with the making of the said contract.

Under the terms of Section 5762, General Code, the certificate of sale which is given to the purchaser of lands which have been forfeited to the state of Ohio conveys the lien only of the state for taxes and penalties charged on said lands at the time they were sold. The deed given to such purchaser by the county auditor pursuant to the provisions of said section conveys to the purchaser a fee simple title to said lands.

You also request my opinion as to the constitutionality of the laws relating to the sale of forfeited lands. In respect to this matter, this office has consistently taken the position that the power to set aside an act of the legislature upon constitutional grounds is a power solely vested in the judiciary, and one which may not be assumed by the Attorney General. For this reason this office had declined to render opinions upon the constitutionality of laws after they have been passed.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5808.

APPROVAL—BONDS OF COLUMBIANA COUNTY, OHIO,
\$73,900.00.

COLUMBUS, OHIO, July 6, 1936.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

5809.

CIVIL SERVICE COMMISSION—MAY NOT REQUIRE APPOINTING AUTHORITY IN MAKING LAY-OFFS OF CLASSIFIED CIVIL SERVICE EMPLOYEES TO DO SO IN THE INVERSE ORDER OF ORIGINAL APPOINTMENT.

SYLLABUS:

1. *The Civil Service Commission of the State of Ohio does not have the authority to make a regulation which would require the appointing authority in making a lay-off in the classified service of the state to lay off employes in the inverse order of their original appointment.*