

Still and Warren Hamilton. Unless therefore it can be said that said Forest E. Roberts and his predecessors in the possession of these lands under apparent color of title have so held and possessed the same as to create a title in and to said lands in said Forest E. Roberts, it must be held that said Forest E. Roberts does not now have the legal title to said lands, whatever his equities in the same may be. The corrected abstract submitted to me does not contain any statement of facts with respect to the manner in which said Forest E. Roberts and his predecessors have held and possessed said lands, and in the absence of such statement of facts I have no means of knowing whether said Forest E. Roberts has good legal title to said lands by adverse possession or not.

For the reasons herein stated, I am unable to approve the title of said Forest E. Roberts in and to these lands, or the corrected abstract of title thereof submitted to me.

I am herewith returning said corrected abstract and the corrected deed of said Forest E. Roberts covering the above described lands.

Respectfully,

EDWARD C. TURNER,  
*Attorney General.*

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2151.

APPROVAL, NOTES OF ADELPHI RURAL SCHOOL DISTRICT, ROSS COUNTY, OHIO—\$15,000.00.

COLUMBUS, OHIO, May 23, 1928.

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

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2152.

APPROVAL, BONDS OF THE VILLAGE OF DEER PARK, HAMILTON COUNTY—\$19,219.04.

COLUMBUS, OHIO, May 23, 1928.

*Industrial Commission of Ohio, Columbus, Ohio.*

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2153.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND WILLARD HATTON, COLUMBUS, OHIO, FOR PAINTING BUILDINGS AT OHIO STATE FAIR GROUNDS, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$6,900.00.

COLUMBUS, OHIO, May 23, 1928.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and opinion a contract between the State of Ohio, acting by the Department of Public Works, for the Depart-

ment of Agriculture, and Willard Hatton, of Columbus, Ohio. This contract covers the general contract for painting buildings at Ohio State Fair Grounds, Columbus, Ohio, as set forth in Item 1 of the proposal dated May 2, 1928, and calls for an expenditure of \$6,900.00. You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. Inasmuch as the contract does not involve the construction of buildings, structures or other improvements, the consent of the Controlling Board to the expenditure of the money is not required. You have also submitted a contract bond upon which The Southern Surety Company appears as surety, sufficient to cover the amount of the contract.

Finding said contract and bond in proper legal form I have this day noted my approval thereon and return the same herewith to you together with all other data submitted in this connection.

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

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2154.

**AUCTIONEER—MUST SECURE REAL ESTATE BROKER'S LICENSE IN ORDER LEGALLY TO SELL REAL ESTATE.**

**SYLLABUS:**

*Any auctioneer who offers for sale real estate at auction is required by the provisions of Sections 6373-25, et seq., General Code, to secure a license as a real estate broker, irrespective of the fact that such auctioneer is already licensed as an auctioneer under the provisions of law applicable thereto.*

*(Opinion No. 960 of September 7, 1927, approved and followed.)*

COLUMBUS, OHIO, May 24, 1928.

HON. ELMER L. GODWIN, *Prosecuting Attorney, Bellefontaine, Ohio.*

DEAR SIR:—I acknowledge receipt of your letter of May 21st, in which you request my opinion, and which reads as follows:

“Is it necessary for an auctioneer who sells real estate at private or public sale to secure a license under Section 6373-29 of the General Code?”

The question presented by you was passed upon by this department in Opinion No. 960, rendered under date of September 7, 1927, to Hon. Cyrus Locher, Director of Commerce, the syllabus of that opinion reading as follows:

“Any auctioneer who offers for sale real estate at auction is required by the provisions of Sections 6373-25, et seq., General Code, to secure a license as a real estate broker, irrespective of the fact that such auctioneer is already licensed as an auctioneer under the provisions of law applicable thereto.”

In the opinion, after quoting Section 5866 of the General Code, requiring certain auctioneers to procure a license, which section reads in part as follows:

“A person shall not exercise the occupation of auctioneer or sell by public auction, vendue or outcry, any property or effects, except utensils of husbandry,