

much as there appears to be, from the papers before me, an irregularity in the statutory proceeding required for the letting of a contract, which will prove fatal to the awarding of any contract on the bids submitted.

It seems that the advertisement for the bids was published once on May 5, 1931. It further appears that the "Addenda" was prepared on May 7, 1931, and subsequently copies of this "Addenda" were supplied to bidders. Now section 2317, General Code, provides as follows:

"After the proceedings required by sections 2314 and 2315 have been complied with, such owner shall give public notice of the time and place when and where proposals will be received for performing the labor and furnishing the materials of such construction, improvement, alteration, addition or installation, and a contract or contracts therefor awarded, except for materials manufactured by the state or labor supplied by the Ohio board of administration that may enter into the same. The form of proposal approved by the state building commission shall be used, and a proposal shall be invalid and not considered unless such form is used without change, alteration or addition. Bidders may be permitted to bid upon all the branches of work and materials to be furnished and supplied, or upon any thereof, or alternately upon all or any thereof." (Italics the writer's.)

From the above section of the Code, when read with the provisions of sections 2314 and 2315, it is evident that the plans and specifications and all information to bidders must be filed with the Auditor of State before advertisement for proposals is started. While it is true that the bidders were probably informed of the "Addenda" in the present instance, yet the statutes would seem to prohibit the filing of any supplementary data or amendment of the specifications after advertisement is started. Consequently, it would appear that no valid contract could be entered into by the State with any of the bidders.

The proper procedure at this time is to reject all bids, which the Superintendent of Public Works may do under section 2320, General Code, and readvertise for new bids.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3319.

APPROVAL, BONDS OF DENNISON CITY SCHOOL DISTRICT, TUSCARAWAS COUNTY, OHIO—\$6,000.00.

COLUMBUS, OHIO, June 12, 1931.

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

3320.

APPROVAL, CONDITIONALLY, OF ABSTRACT OF TITLE TO LAND OF LAFAYETTE AND VOLNEY S. TAYLOR IN RARDON TOWNSHIP, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, June 12, 1931.

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

DEAR SIR:—Under date of April 30, 1931, I rendered to you Opinion No. 3194, stating the results of my analysis of the documents and papers, submitted by you, relating to the proposed purchase of an 821 acre tract of land situated in Rarden Township, Scioto County, Ohio, from Lafayette and Volney S. Taylor. In the third paragraph of said opinion it was stated:

“I call your attention, however, to the fact that apparently Lafayette Taylor and Volney S. Taylor do not now purport to own or to convey to the State of Ohio, all of the 821 acres. It appears (page 34, Abstract) that, after having acquired the 821 acre tract, the Taylors conveyed an 8.88 acre strip to one G. W. Mustard, and that the proposed deed to the State of Ohio makes an exception to this 8.88 acre tract. As a matter of fact, the deed to the State of Ohio does not expressly state how many acres are being conveyed to the State.”

Subsequently, there has been submitted to me a new draft of a deed for said premises from the Messrs. Taylor to the State of Ohio. This deed expressly states that the actual acreage is 821 acres, more or less. From the foregoing excerpt from the former opinion, it is apparent that, as far as the paper title is concerned, there were less than 821 acres in the tract under discussion. However, a check of the acreage of this land has recently been made by Mr. Kennedy, Assistant State Architect and Engineer in the Department of Finance, and he states that there are at least 821 acres in the tract proposed to be conveyed to the state. In view of the clearing up of this matter, I herewith give my approval to the title and deed relating to this purchase, with the exception, of course, of certain tax encumbrances pointed out in the former opinion.

Enclosed please find the newly drafted deed, the originally drafted deed and Opinion No. 3194, recently left with me by Mr. Volney Taylor.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3321.

APPROVAL, FOUR GAME REFUGE LEASES TO LAND IN PREBLE,
CLARK AND WOOD COUNTIES.

COLUMBUS, OHIO, June 12, 1931.

HON. J. W. THOMPSON, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR:—You have submitted the following leases, each for the term of five years, granting premises to the State for game refuge purposes:

| No. | Lessor | County | Township | Acreage |
|------|-------------------|--------|-----------------|---------|
| 2093 | Richard R. Becker | Preble | Somers & Gasper | 69.75 |
| 2103 | Ernest O. Houck | Clark | Mad River | 562.64 |
| 2104 | B. E. Groenwald | Wood | Middleton | 28.5 |
| 2105 | E. M. Groenwald | Wood | Middleton | 13.32 |