

It is assumed that the prosecuting attorney in this case will feel obliged, for ethical reasons, to request that disinterested counsel be employed to assist the county commissioners in the conduct of this case. While the prosecuting attorney cannot continue to represent his former client, he will doubtless find himself in a position where he could not ethically take active charge of the case against his former client. An assistant could not be employed by authority of section 2912. This section reads in part as follows:

"* * * In case of sickness or other disability of the prosecuting attorney, preventing him from discharging his duties, the court shall appoint an assistant prosecuting attorney to perform the duties of the office until the disability is removed or a prosecuting attorney is elected or appointed and qualified."

This section evidently contemplates only such disability as would prevent the prosecutor from performing the general duties of his office, and not a disability occurring by reason of conflicting interests.

It is our opinion, therefore, that the prosecuting attorney may not continue to represent a client whose interests are adverse to those of the county, and that the commissioners, if authorized by the Common Pleas Court, may, if they deem it advisable, employ other counsel to take active charge of the case.

Respectfully,

C. C. CRABBE,

Attorney General.

585.

ABSTRACT OF TITLE, 1.678 ACRES OF LAND, JEFFERSON COUNTY,
OHIO.

COLUMBUS, OHIO, July 16, 1923.

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

DEAR SIR:—You have submitted an abstract certified to by J. Oscar Naylor, attorney-at-law and abstracter, of Steubenville, Ohio, under date of April 4, 1923, requesting my opinion as to the status of the title to the following described premises, as disclosed by said abstract:

Situated in section thirty-six (36), township two (2) and range one (1), in the township of Steubenville, county of Jefferson and state of Ohio, beginning at a point 169.93 feet westwardly from the intersection of the west line of Woodlawn Road with the south line of Franklin avenue; thence with the south line of Franklin avenue N. $69^{\circ} 52' W.$ 29.37 feet to the P. C. of a curve having a central angle of $64^{\circ} 37'$; thence in an arc of a circle a distance of 44.52 feet to the P. T. of said curve; thence S. $45^{\circ} 31' W.$ with the east line of Brady avenue 356.99 feet to the P. C. of a curve having a central angle of $129^{\circ} 14'$; thence in an arc of a circle a distance of 42.73 feet to the P. T. of said curve; thence S. $83^{\circ} 43'$ east with the north line of Pershing avenue 180.17 feet to a 15-foot alley; thence with the west line of said alley N. $6^{\circ} 17'$ east 303.03 feet to the place of beginning, containing 1.678 acres of land, more or less.

After a careful examination, it is believed that said abstract discloses a sufficient title to said premises to be in the name of The Steubenville Improvement Company, free from incumbrance, excepting taxes for the last half of the year 1922, the amount of which is not disclosed by the abstract, and the taxes for the year of 1923, the amount of which is, at this time, unascertainable.

You have also submitted a deed, executed by the proper officers of The Steubenville Improvement Company, bearing date of May 19, 1923, purporting to convey said premises to the state. Under the terms of this deed the grantor company is obligated to pay the above mentioned taxes. It will be noted from the provisions of the deed that the coal rights do not pass.

It is believed that said deed is sufficient to convey the interests of the grantor company to the state, when properly delivered.

Respectfully,

C. C. CRABBE,

Attorney General.

586.

APPROVAL, BONDS OF SHELBY CITY SCHOOL DISTRICT, RICHLAND COUNTY, \$275,000.00, TO ERECT, FURNISH AND EQUIP HIGH SCHOOL BUILDING.

COLUMBUS, OHIO, July 18, 1923.

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

587.

APPROVAL, BONDS OF VILLAGE OF FLUSHING, BELMONT COUNTY, \$6,800.00, IN ANTICIPATION OF COLLECTION OF SPECIAL ASSESSMENTS, TO IMPROVE ROCKHILL AND FLUSHING PIKE.

COLUMBUS, OHIO, July 18, 1923.

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