

"The duties of a member of a township board of education and the township trustees are incompatible and the two offices cannot be held contemporaneously by the same person."

It will be observed upon examination of the opinions of 1915 and 1917, above referred to, that the conclusion of the attorney general is based in each instance on the adverse interests which township trustees and members of boards of education, for districts comprising territory within the township taxing districts, must necessarily represent when adjustments are made in the budgets of the several taxing districts by the county budget commission.

These conclusions are deduced from the provisions of Sections 5649-3a, 5649-3b and 5649-3c of the General Code relating to the duties of the county budget commission. In the opinion of 1915 it is stated:

"It is apparent without further discussion, that under the provisions of the section last quoted (5649-3c), the budget commissioners may be compelled to make changes in the original estimates made and contained in the budgets submitted by township trustees and boards of education. In the event this becomes necessary, which is very frequently the case, the members of said two taxing authorities, viz., township trustees and board of education, are called before the budget commissioners for conference to determine what changes shall be made in the estimates submitted by them. This necessarily involves the consideration by the budget commissioners of the merits of the respective claims made by the township trustees and board of education. Under such circumstances the same individual may not be permitted to represent such adverse interests."

Sections 5649-3a, 5649-3b and 5649-3c, General Code, were repealed by the 87th General Assembly but substantially the same provisions with reference to the procedure to be followed by the county budget commission in adjusting the budget of the several taxing subdivisions are contained in Sections 5625-19, et seq., General Code (112 O. L. 299.)

I am therefore of the opinion that the office of township trustee and member of a village or rural board of education, in a school district the territory of which district is contained either wholly or in part within the township, are incompatible.

Respectfully,

EDWARD C. TURNER,
Attorney General.

1315.

APPROVAL, ABSTRACT OF TITLE TO LAND IN ROSS COUNTY, OHIO.

COLUMBUS, OHIO, November 29, 1927.

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

DEAR SIR:—You have submitted an abstract of title prepared and certified by Wade J. Beyerly of Chillicothe, Ohio, under date of October 22, 1927, accompanied by an encumbrance estimate and a deed pertaining to the following described premises:

FIRST TRACT:

Beginning at a stone North East Corner to John Lump's land; thence S. 16 deg. W. 72 poles to a stone in Granville Stewart's line; thence N. 89½ deg. E. 33¼ poles to a stone in said Stewart's line; thence N. 16 deg. E. 72 poles to a stone in the line of Frederick Taunnershamer; thence N. 88½ deg. W. 33¼ poles with said Taunnershamer line to the beginning, containing 15 acres more or less, and being a part of the premises conveyed by Harman Hoover to James Dunbar by deed dated April 14, 1881, and recorded in Vol. 90, at Page 129, of Ross County Deed Records.

SECOND TRACT:

Beginning at a stone where three chestnut oaks are called for, one of which bears from stone N. 84 deg. E. 10 links in the N. W. part of a tract of land owned by Harman Hoover; thence S. 16 deg. W. 72 poles to a stone; thence N. 89½ deg. E. 112 poles to a stone; thence N. 16 deg. E. 66 poles to a stone in the division line between Dunbar and Lovensheimer; thence S. 88½ deg. E. 112 poles to the place of beginning, containing 50 acres, and being a part of same land conveyed by Doubleday to Hoover, and by Hoover to Dunbar, April 14, 1881, and recorded in Vol. 69, at Page 372-373, Ross County Deed Records.

Both tracts being a part of Survey No. 13441.

An examination of the abstract discloses that George Lump had a good and merchantable title to said premises on the 22nd of October, 1927, subject to the lien of the 1927 taxes, the amount of which at the time of the abstract had not been determined.

The encumbrance estimate is numbered 3249, covers the same property, is in proper form and has been properly approved and certified by the Director of Finance.

The deed submitted is in form a warranty deed, covering the above described property, and was executed on the 18th day of October, 1927, by George Lump and Luley Lump, his wife, who releases her right of dower and otherwise appears throughout the deed as one of the grantors. I am of the opinion that said deed will, when delivered convey a fee simple title to the property in question to the State of Ohio.

I herewith return the abstract of title, encumbrance estimate and deed.

Respectfully,

EDWARD C. TURNER,
Attorney General.

1316.

DISAPPROVAL, BONDS OF THE VILLAGE OF ROCKY RIVER, CUYA-
HOGA COUNTY, OHIO—\$214,700.00.

COLUMBUS, OHIO, November 30, 1927.

Re: Bonds of the Village of Rocky River, Cuyahoga County, Ohio, \$214,700.00.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—The transcripts pertaining to six issues of bonds of the Village of Rocky River totalling \$214,700.00 reveal that the various bond ordinances provide that the bonds shall bear interest at the rate of 4¼% in one case and 5% in the other cases. The bonds were advertised for sale, the advertisement specifying the