

None of the six alternates above referred to permits the substitution of horizontal baffles for those of the vertical type, and there is consequently no authority for submitting a substitute proposal based on the furnishing of such baffles. It is entirely probable that were there such authority, the Skeldon Company would have submitted a similar proposal, which might have been lower than the substitute proposal submitted by the Meyers Company.

For the foregoing reasons, it is my opinion that the substitute proposal submitted by the Meyers Company may not be considered in awarding the contract.

Specifically answering your first and second questions, it is my opinion that inasmuch as the base bid of the Meyers Company does not comply with the specifications in respect of the boiler tubes, and inasmuch as there is no authority for the submission of a substitute proposal based on furnishing horizontal baffles, neither of said proposals may be considered in making the award of the contract.

In view of the foregoing holding, I deem it unnecessary to answer your third and fourth questions.

I am returning herewith all papers submitted by you in connection with the above matter.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1051.

APPROVAL, 3 GAME REFUGE LEASES, DISAPPROVAL 1 GAME REFUGE LEASE.

COLUMBUS, OHIO, September 24, 1927.

Department of Agriculture, Division of Fish and Game, Columbus, Ohio.

GENTLEMEN :—I have your letter of recent date in which you enclose the following Game Refuge Leases, in duplicate, for my approval :

<i>No.</i>	<i>Name</i>	<i>Acres</i>
958	Kent D. Lehmer, et al., Washington County, Lawrence Township--	175
959	A. C. Becker, Washington County, Lawrence Township-----	40
960	E. H. Steepe, Columbiana County, Middletown Township-----	10

I have examined said leases, find them correct as to form, and I am therefore returning the same with my approval endorsed thereon.

I am returning herewith Lease No. 957, Peoples Bank and Savings Co., Washington County, Lawrence Township, 175 acres, unapproved for the reason that nothing appears therein or attached thereto to indicate by what authority such lease was executed.

Respectfully,
EDWARD C. TURNER,
Attorney General.