

and the furnishing of such list to contractors on public, state or county projects, the board of county commissioners of such county has no authority to pay the expenses of such board and no authority to compensate the members of such board or its employes from public funds for their time and efforts in such service.

Respectfully,

JOHN W. BRICKER,
Attorney General.

863.

APPROVAL, CORRECTED ABSTRACT OF TITLE TO LAND IN JEFFERSON AND GREEN TOWNSHIPS, ADAMS COUNTY, OHIO—KATE McMAHON.

COLUMBUS, OHIO, May 23, 1933.

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

DEAR SIR:—This is to acknowledge the receipt of your recent communication enclosing warranty deed and other files relating to the purchase of four certain tracts of land situated in Jefferson and Green Townships, Adams County, Ohio, and now standing of record in the name of Kate McMahan. In Opinion No. 4745 of my immediate predecessor in office directed to you under date of November 17, 1932, it was found that Kate McMahan had a good merchantable title to the tracts of land here in question, subject to the lien of certain delinquent taxes as well as to those for the year 1932. Since the former opinion was rendered on this title, all delinquent taxes, as well as the taxes for the year 1932, have been paid.

Following the previous opinion of this office above referred to upon the corrected abstract of title then submitted, I find that Kate McMahan has a good merchantable title to the property here under consideration, subject to the lien of the taxes for the year 1933. Inasmuch as the agreement for the purchase of this property was consummated long prior to the time that the lien of the taxes for the year 1933 attached, you should experience little difficulty in getting this property upon the exempt list with respect to such taxes.

In this connection, it may be observed that, inasmuch as the last certification to this abstract of title is under date of October 29, 1932, common prudence would suggest that before the transaction for the purchase of this property is closed by the issue of voucher and warrant covering the purchase price of the property, an investigation should be made to determine whether or not any mortgages, judgments or other liens have been placed on the property since the date of the certification of the abstract.

The warranty deed tendered by Kate McMahan has been properly executed by her and the form of said deed is such that it is legally sufficient to convey this property to the State of Ohio by fee simple title with a covenant of warranty that the same is free and clear of all encumbrances whatsoever.

Contract encumbrance record No. 806, submitted as a part of the files relating to the purchase of the property has been properly executed and the same shows that at the date of the execution of such instrument there was a sufficient

unencumbered balance in the proper appropriation account to pay the purchase price of this property, amounting to this sum of \$1,400.00. And in this connection, I assume that in subsequent appropriation acts provisions have been made in turn appropriating encumbered balances theretofore appropriated or reappropriated.

It likewise appears that the purchase of the property has been approved by the State Controlling Board. Subject to the suggestions above noted, the corrected abstract of title, warranty deed and other files relating to the purchase of this property are approved and all of the same are herewith returned.

Respectfully,

JOHN W. BRICKER,
Attorney General.

864.

DISAPPROVAL, PETITION FOR PROPOSED LAW TO REQUIRE A
LICENSE FOR THE OPERATION, MAINTENANCE, OPENING OR
ESTABLISHMENT OF STORES IN OHIO.

COLUMBUS, OHIO, May 23, 1933.

MR. EDWARD L. LANSING, *c/o John B. Osman, 330 East Ohio Gas Building, Cleveland, Ohio.*

DEAR SIR:—Pursuant to section 4785-175, General Code, you have submitted a petition signed by one hundred qualified electors, together with a copy of a law to be proposed by initiative petition first to be submitted to the General Assembly of Ohio, entitled, "To require a license for the operation, maintenance, opening or establishment of stores in this state." You request that I certify that the summary of the proposed law contained in the petition is a fair and truthful statement of the law proposed.

A comparison of the summary contained in the petition with the full text of the proposed law, discloses that the summary is not a fair and truthful statement of the proposed law in the following respect:

Section 5 of the full text of the proposed law prescribes the schedule of license fees to be charged. Lines 54 to 62, inclusive, read:

"The license fees herein prescribed shall be as follows:

- (1) Upon one store, the annual license fee shall be three dollars for each such store;
- (2) Upon two stores or more, but not to exceed five stores, the annual license fee shall be twenty-five dollars for each such additional store;
- (3) Upon each store in excess of five, but not to exceed ten, the annual license fee shall be two hundred and fifty dollars for each such additional store;
- (4) Upon each store in excess of ten the annual license fee shall be one thousand dollars for each such additional store."

The summary contains the following as to the license fees to be charged: