

From a study of Sections 2293-28 and 2293-29, General Code, it is my opinion that unless the advertisement states that bids may be presented based upon their bearing a different rate of interest, the acceptance of a bid based upon a lower or different rate of interest is void. Unless the advertisement contains such a provision there is no assurance that a bidder who based his bid upon the amount of interest stated in the advertisement would not have submitted a bid, based upon a different rate of interest, higher than the bid which was in fact accepted.

It is therefore my opinion that the acceptance in the instant case of a bid, based upon a rate of interest higher than that specified in the advertisement, there being no provision in the advertisement that bids might be submitted based upon a different rate of interest is void and I am therefore compelled to advise you not to purchase the above issue of bonds.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

1319.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND IN MARIETTA TOWNSHIP, WASHINGTON COUNTY, OHIO.

COLUMBUS, OHIO, December 1, 1927.

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

DEAR SIR:—You have submitted under date of November 3, 1927, for my opinion, an abstract of title prepared and certified under date of July 5, 1927, by Strecker and Williamson, attorneys, Marietta, Ohio, accompanied by an encumbrance estimate and a deed covering real estate situate in Marietta Township, Washington County, Ohio, being a part of Section Number Eight (8), Town Number Two (2), Range Number Eight (8), and being more particularly described as:

Beginning at an iron pipe on the south line of the lands deeded to the State of Ohio by Louis E. Miller, et al., by deed recorded in Volume 194, at page 185, of the Deed Records of said County of Washington, six and twenty-six hundredths (6.26) chains east of the southeast corner thereof; thence south nineteen (19°) degrees and ten (10') minutes east, seven and thirty-three hundredths (7.33) chains to an iron pipe; thence south eighty-nine (89°) degrees and fifty (50') minutes east, twenty-four and seventeen hundredths (24.17) chains to an iron pipe; thence north fourteen (14°) degrees and ten (10') minutes west, seven and twenty-three hundredths (7.23) chains to an iron pipe on the south line of the lands of the State of Ohio above mentioned; thence along the said south line west twenty-four and seventy-eight hundredths (24.78) chains to the place of beginning, containing seventeen (17) acres as surveyed by C. M. Weeks, County Surveyor.

An examination of the abstract discloses that J. Wiley West has a good and merchantable title to said premises, subject to the following encumbrances:

1. An oil lease to Shankland Brothers, executed February 28, 1917, and recorded in the Lease Records of Washington County, Vol. 129, page 15. The term of this lease is for one year and as much longer as oil or gas is found in paying quantities or the

rental paid thereon. The royalty is at the rate of one-eighth part of the oil and gas produced. However, the abstracter says that none of the wells drilled on the West farm are on the premises under consideration.

2. A right of way to the National Pipe Line Company executed January 22, 1913, and recorded in the Deed Records of Washington County in Vol. 172, page 483. This grant, in consideration of the payment of \$4.10, gives a right of way for forty-one (41) rods of land for a two inch (2") oil line, and permits the laying of additional lines along the side of the first line upon payment of like consideration; and the grantee shall pay all damages to crops and fences and the line is to be laid under all driveways and buried below cultivation when required by the grantor.

3. A deed for a right of way executed only by Adeline West in November, 1914, to the National Pipe Line Company, said Adeline West at that time only having a life estate in the premises. The right of way is for a distance of seventy (70) rods, and provides for additional lines over the premises, all of which shall be buried when required by the grantor.

4. A deed executed and acknowledged in July, 1906, by Adeline V. West to the Buckeye Pipe Line Company, recorded in Deed Records of Washington County, Vol. 182, page 20. Adeline V. West is the only person named in the instrument as grantor, but it is also signed by J. W. West, who does not join in the acknowledgment. This deed grants a right of way for the laying of a pipe line over the premises in consideration of the payment of \$12.00, and provides for the laying of additional pipe lines upon payment of a like consideration.

5. The taxes for the last half of 1926 amounting to \$143.06.

6. The taxes for 1927, amount not yet determined.

A copy of a letter written by Wilbur E. Baker, Secretary of the Controlling Board under date of September 19, 1927, advises that the Controlling Board on that date had given a release for the expenditure of \$4,080.00, appropriated for the purchase of land at the state nursery at Marietta.

The encumbrance estimate is numbered 3250, covers an appropriation of \$4,080.00 to J. Wiley West and Anna I. West for the purchase of the land under consideration, and has been approved by W. H. Kramer, Edmund Secrest and Wilbur E. Baker, Director of Finance.

The deed submitted has been executed and acknowledged by J. Wiley West and Anna I. West, who also releases her right of dower in the premises, under date of October 26, 1927, by the terms of which deed, in consideration of the payment of \$4,080.00 they grant to the State of Ohio, its successors and assigns, the premises under consideration free, clear and unencumbered, "save and except the oil and gas lease thereon and the pipe line rights of way thereunder, and said premises are so conveyed, subject thereto." I am of the opinion that said deed, when delivered, will convey to the State of Ohio a fee simple title to the premises, subject to the above encumbrances.

I herewith return the abstract of title, encumbrance estimate and deed and the copy of the letter of the Controlling Board.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*