

above bond issue, reveals that the resolution declaring the necessity of the improvement was adopted at a regular adjourned meeting held April 9, 1926, at which only two members of the board were present. The transcript accordingly shows the affirmative vote of only the two members present at said meeting.

Section 6910, General Code, provides:

"The county commissioners may, without the presentation of a petition, take the necessary steps to construct, reconstruct, improve or repair a public road or part thereof, as hereinbefore provided, upon the passage of a resolution by unanimous vote declaring the necessity therefor."

In response to a letter calling the attention of the clerk of the Board of County Commissioners of Trumbull County to the above section of the General Code and requesting a copy of the petition, if a petition was actually filed, I am advised by the clerk that at the time of the passage of the resolution of necessity, one of the county commissioners was ill and out of the state and stating that if desired he will furnish a certificate that the absent member's vote on said resolution will be "yea." A board of county commissioners must act as a body, and not individually and I am therefore of the opinion that a certificate such as the one suggested by the clerk would not serve to correct a failure to comply with Section 6910, *supra*, to the effect that a unanimous vote is required for the passage of a resolution of necessity relating to the construction, reconstruction, improvement or repair of a public road or part thereof, where no petition for said improvement has been filed.

I am accordingly impelled to advise you not to purchase the above issue of bonds. I am returning the transcript herewith.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1023.

APPROVAL, ABSTRACT OF TITLE TO LAND IN SALEM TOWNSHIP,
JEFFERSON COUNTY, OHIO.

COLUMBUS, OHIO, September 21, 1927.

HON. CHARLES V. TRUAX, *Director, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—You have resubmitted for my opinion a warranty deed and an abstract of title, last certified by R. G. Porter of Steubenville, Ohio, under date of September 9, 1927, covering land situate in Salem Township, Jefferson County, Ohio, said land consisting of two tracts, one containing 146 acres, more or less, and the other containing 84.61 acres, more or less, bounded and described as follows:

Tract No. 1. Being the northeast quarter of Section No. 24, in Township No. 10, Range No. 3, in said county, excepting the portion thereof heretofore deeded by Alexander Riley to Alexander Morrison, the portion hereby conveyed containing 146 *acres*, and 155 rods, more or less.

Tract No. 2. Also one other piece or parcel of land situate in said Township of Salem and County of Jefferson, and described as follows:

Being the west half of the northwest quarter of Section No. 18, in Township No. 10, and Range No. 3, in said county, and containing 84.61 acres of land, more or less.

Being the same property conveyed by Salvatore Coniglio et al., to M. Longo, et al., by deed dated January 6, 1925, and recorded in Deed Record No. 137, page 499, records of Jefferson County, Ohio.

Upon examination of the resubmitted abstract, I am of the opinion that the same shows a good and merchantable title to both of said tracts in Mike Longo, subject to the following encumbrances:

1. The June, 1927, installment of the 1926 tax, amounting to \$39.65 is unpaid and a lien.
2. The 1927 taxes, amount yet undetermined are a lien.
3. An assessment for the construction of the Richmond- Pravo Road, amounting to \$152.80, payable in twelve installments of \$13.65 each, is a lien.

The abstract does not yet show any examination in the United States Court, and the examination of the judgment indexes in the clerk's and sheriff's offices for judgment liens only goes back as far as 1910.

The deed has been executed by Mike Longo and his wife, Lucia Longo, under date of August 26, 1927, and acknowledged before a notary public. This deed when delivered, will pass good title to the State of Ohio.

The abstract of title and deed are herewith returned to you.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1024.

APPROVAL, ABSTRACT OF TITLE TO LAND IN SALEM TOWNSHIP,
JEFFERSON COUNTY, OHIO.

COLUMBUS, OHIO, September 21, 1927.

HON. CHARLES V. TRUAX, *Director, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—You have resubmitted for my opinion a form of deed and an abstract of title last certified by R. G. Porter of Steubenville, Ohio, under date of September 9, 1927, covering land situate in Salem Township, Jefferson County, Ohio, said land consisting of 158½ acres, more or less, bounded and described as follows:

“Being the northwest quarter of Section twenty-three (23), Township 10, and Range 3, containing one hundred fifty-eight and one-half (158½) acres, more or less, excepting and reserving to the grantors herein, their heirs and assigns, all the coal under the above described premises lying without the boundaries of the square block containing 66½ acres of coal reserved and described in the deed of William A. Johnston and Mary A. Johnston, his wife, to the grantors herein, Linnie J. Shull, dated March 21, 1913, and recorded in Volume 105, page 584, of the Records of Deeds in the office of the county recorder of said county, together with the right to mine and remove the same by means of approaches from other lands, also the right to transport coal from other lands through the entries thereof. All