

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

respective rates of interest as stated in the bond ordinance. None of the advertisements contains a provision that bids will be received based on a lower rate of interest than that stated in the advertisement. The tabulations of bids show that bids were received based upon rates of $4\frac{1}{2}\%$, $4\frac{3}{4}\%$ and 5% and in each case the highest bid based on a $4\frac{1}{2}\%$ rate was accepted.

Section 2293-28, General Code, provides that the bond advertisement "may also state that anyone desiring to do so may present a bid or bids for such bonds based upon their bearing a different rate of interest than specified in the advertisement, provided however, that where a fractional interest rate is bid such fraction shall be one-quarter of 1 per cent or multiples thereof."

Section 2293-29, General Code, provides that the highest bid, or if bids are received based upon a different rate of interest than specified in the advertisement the highest bid based upon the lowest rate of interest, presented by a responsible bidder, shall be accepted by the taxing authority, or in the case of a municipal corporation by the fiscal officer.

The purpose of advertising bonds for sale is to invite the public generally to enter into competition for the purchase of the same and unless the advertisement or invitation to bid permits of free competition among all bidders, it is my opinion that the acceptance of a bid which is not on a strict competitive basis is void.

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 lower 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.

1317.

MUNICIPAL COURT OF EAST LIVERPOOL—JUDGE HAS NO AUTHORITY TO MAKE APPOINTMENT FILLING VACANCY IN BOARD OF TOWNSHIP TRUSTEES.

SYLLABUS:

The judge of the municipal court of the city of East Liverpool has no power or authority to make an appointment for the purpose of filling a vacancy in the board of township trustees of Liverpool township.

COLUMBUS, OHIO, November 30, 1927.

HON. ROBERT M. BROOKES, *Prosecuting Attorney, Lisbon, Ohio.*

DEAR SIR:—This will acknowledge receipt of your communication under date of November 17, 1927, in which my opinion is requested with respect to the power and authority of the judge of the municipal court of the city of East Liverpool, Colum-