

trustees, or other officers thereof, may receive by gift, devise or bequest, moneys, lands or other properties, for their benefit or the benefit of any of those under their charge, and hold and apply the same according to the terms and conditions of the gift, devise or bequest. Such gifts or devises of real estate may be subject to any reasonable reservation. This section shall not affect the statutory provisions as to devises or bequests for such purposes."

It thus appears that under the provisions of the section of the General Code above quoted, as well as independent of its provisions, the State of Ohio is authorized to receive by devise and bequest or otherwise, real or personal property for public purposes.

However, before property donated to the State by will or otherwise can become vested in the State for any purpose, it must accept the same in some authorized manner. If there is no general or permanent statutory provision authorizing some designated officer or board to accept property for and on behalf of the State, there is no way in which such property can be accepted otherwise than by an act of the Legislature. This is especially true where as in this case the donation to the State is not absolute and unrestricted, but is in trust for some particular purpose. See *State vs. Blake*, 69 Conn. 64.

By way of specific answer to your first question, therefore, I am of the opinion that the devise and bequest referred to in your communication may be accepted by the State at this time, and that the only way in which such acceptance can be made effective is by appropriate action of the Legislature.

With respect to your second question, it will be noted that the last will and testament of Hayward H. Kendall contemplates that his wife, Agnes T. Kendall, may relinquish her right to the use and occupancy of said tract of farm lands before her death. In this event said tract of land will immediately come into the use and occupancy of the State by full fee simple title; and inasmuch as the State under said will will not come into enjoyment of the net income of the estate of Hayward H. Kendall for the purpose of maintaining said park until the death of Agnes T. Kendall, it is apparent that in such case there will be a period of time, depending upon the life of said Agnes T. Kendall, during which said tract of land will have to be maintained as a park out of public moneys, which I take it will be paid out of appropriations made to the Ohio Agricultural Experiment Station, Division of Forestry, under Items F-9 or C-1. In this connection, I am advised that said property and the improvements thereon are in a good state of preservation and that comparatively little money will be needed in the maintenance of the same.

Pursuant to your request made in the communication above referred to and your later communication under date of March 20, 1929, I am preparing suitable legislation providing for the acceptance of the devise and bequest.

Respectfully,
GILBERT BETTMAN,
Attorney General.

248.

APPROVAL, DEED TO MIAMI AND ERIE CANAL LAND IN THE CITY OF CINCINNATI—MARY C. COSTELLO.

COLUMBUS, OHIO, March 29, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication of recent date submitting for my examination and approval deed form to be executed by the Gover-

nor, conveying to one Mary C. Costello parcel No. 127 of surplus Miami and Erie canal lands relinquished by the city of Cincinnati to the State of Ohio under the Act of April 20, 1927 (112 O. L. 210).

An examination of said deed discloses that the same is according to law, and said deed is therefore approved by me as to form.

Under Section 9 of the act above referred to, you are authorized to sell this and other parcels of surplus Miami and Erie canal lands, subject to the approval of the Governor and the Attorney General. The sale of this parcel of land by you is hereby approved by me, and my approval is accordingly endorsed on the deed form which is herewith returned.

Respectfully,
GILBERT BETTMAN,
Attorney General.

249.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENTS IN
HANCOCK COUNTY.

COLUMBUS, OHIO, March 29, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

250.

APPROVAL, BONDS OF HARTFORD CENTRALIZED SCHOOL DISTRICT,
LICKING COUNTY—\$20,000.00.

COLUMBUS, OHIO, March 30, 1929.

Industrial Commission of Ohio, Columbus, Ohio.