

The evident intent of the statute before us was to provide for representation of the University on the board of trustees for the department, in order that this Combined Normal and Industrial Department might be harmonized educationally with the University. The president as a member by virtue of that statute is entitled to all the normal rights and privileges going with membership on the board. These rights and privileges assuredly included the right to vote and to participate in all matters as any other member.

In specific answer to your questions as enumerated, it is my opinion that:

1. The board of trustees of the Combined Normal and Industrial Department at Wilberforce University may not legally enter into any agreement involving either the delegation of authority by the board of trustees or the superintendent to officials employed by Wilberforce University, or the payment of salaries to members of the faculty of Wilberforce University;

2. The President of Wilberforce University sitting as ex-officio member of the board of trustees of the Combined Normal and Industrial Department by virtue of Section 7976, General Code, is entitled to all the normal rights and privileges of membership which include the right to vote and to participate in all matters of the board of trustees.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

706.

NORTHWEST TERRITORY CELEBRATION COMMISSION —
PLENARY POWERS—EXPENDITURES FOR HIGHWAY
MARKERS—LIMITATIONS.

SYLLABUS:

The Northwest Territory Celebration Commission of Ohio has plenary power under Amended Senate Bill No. 317 to expend a part of the appropriation carried in the act for markers to be placed on at least one historic point in each county of the state, bearing in mind at all times that the expenditure for such markers should be reasonable and

there should be no discrimination between counties as to the number, size and style of same.

COLUMBUS, OHIO, June 8, 1937.

HON. E. J. MILDREN, *Secretary-Director, the Northwest Territory Celebration Commission, Columbus, Ohio.*

DEAR SIR: I am in receipt of your communication of recent date as follows:

"The Northwest Territory Celebration Commission of Ohio may consider the proposition of erecting a marker on at least one historic point in each county of the state.

I should like to have an opinion as to whether or not the commission would have a right to expend part of the appropriation for the Northwest Territory Celebration for such purposes."

Whether or not you can make this expenditure must be answered by Amended Senate Bill No. 317, which I quote:

"BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That a commission to be known as 'the Northwest Territory Celebration Commission of Ohio,' hereinafter called the 'commission,' is hereby created, which shall consist of the governor of Ohio, and four other persons, being two from each of the major political parties, to be appointed by the governor.

This commission shall have charge of all plans for participation by the State of Ohio, and its citizens in the observance and celebration of the one hundred and fiftieth anniversary of the adoption of the ordinance of 1787, and the settlement of the northwest territory.

Section 2. In the preparation of such plans, the commission shall cooperate with the Northwest Territory Celebration Commission created by the federal government, and, in so far as is possible, with the states of Indiana, Illinois, Michigan, Wisconsin and Minnesota, and shall take such steps as may be necessary in the coordination and correlation of plans prepared by such states by agencies appointed by the governor in such states, and by representative civic organizations.

Section 3. The commission shall serve without compensation, except their actual expenses, and shall choose from among their number, or otherwise, a director, who shall have charge of carrying into execution the plans of the commission, and who shall receive such compensation as the commission shall fix.

Section 4. The commission is hereby authorized to create an advisory commission, which shall consist of such persons representing the state government, the educational and historical and such other activities and interests of the state as they deem necessary to effectuate the purpose of the ordinance of 1787, and to emphasize its far-reaching effect in vitally shaping and determining the pattern of development of our nation, its ideals, its constitution and its government.

The advisory commission shall serve without pay, but may be allowed their necessary and actual expenses by the commission, when engaged on the work of the commission.

Section 5. The commission is hereby authorized to arrange with the director for participation by Ohio citizens in the various historical, educational and other exhibits at the observance and celebration of the one hundred and fiftieth anniversary of the ordinance of 1787, and the settlement of the northwest territory.

Section 6. There is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund and not otherwise appropriated, the sum of twenty-five thousand dollars for the uses and purposes of the commission in carrying out the provisions of this act."

The sole question is whether or not the proposed expenditure is within the contemplation of the law just quoted.

The purpose of the Act is to provide for Ohio's participation in the celebration of the one hundred and fiftieth anniversary of the adoption of the ordinance of 1787.

The question suggests itself—What is the purpose of the celebration? This question is answered by Section 4 of the Act, viz:

"The commission is hereby authorized to create an advisory commission which shall consist of such persons representing the state government, the educational and historical and such other activities and interests of the state *as they deem necessary to effectuate the purpose of the ordinance of 1787 and to emphasize its far-reaching effect in vitally shaping and*

determining the pattern of development of our nation, its ideals, its constitution and its government."

In logical sequence we reach another question—What were the purposes of the Ordinance of 1787?

It is not necessary to set out all the purposes of the Ordinance. I deem it all sufficient to quote the first sentence of Article III:

"Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

The framers of the Ordinance did not regard schools as the only means of education.

I assume that the markers would be commemorative of the celebration. The fact that they would be erected at a historic spot would add to the probability that they would be noticed by posterity and would impart to those who saw fit to read the knowledge of the fact that in 1937 the people of the Northwest Territory celebrated the one hundred and fiftieth anniversary of the adoption of the Ordinance of 1787.

Surely the markers would be in harmony with the Act of the General Assembly and the Ordinance. It would be a *means of education*, which the Ordinance says "*shall be forever encouraged.*"

Answering your question specifically, I am of the opinion that the Commission has ample authority to expend a part of the appropriation carried in the Act for such markers, bearing in mind at all times that the expenditure for such markers should be reasonable and there should be no discrimination between counties as to the number, size and style of same.

Respectfully,

HERBERT S. DUFFY,

Attorney General.