

Known as Outlot Number Two (2) containing four and twenty-three hundredths (4.23) acres, and Outlot Number Three (3) containing two and thirty-four hundredths (2.34) acres, be the same more or less, but subject to all legal highways.

This conveyance which is made for the purpose of providing for the preservation of the site of the monument erected to the memory of the ninety-six Christian Indians who were massacred on March 8, 1782, was the subject of Opinion No. 3222 of this office directed to Hon. Walter G. Nickels, State Senator in the 89th General Assembly, under date of May 13, 1931. In the former opinion in this office above referred to, it is held that a deed of conveyance executed to the State of Ohio by the Gnadenhutten Monument and Cemetery Association then holding the legal title to the parcels of land above described would not be effective to vest the title to said property in the State of Ohio without action of the legislature accepting such conveyance; but that such acceptance of the title to this property by the State might be effected by provision therefor in the general appropriation act which was then under consideration by the 89th General Assembly.

In this connection it is noted that in House Bill No. 624, the same being the general appropriation act above referred to, express provision was made for the acceptance, as a gift, of the above described property from the Gnadenhutten Monument and Cemetery Association, with a further provision that the custody of said property should be vested in the board of trustees of the Ohio State Archaeological and Historical Society.

Upon examination of the deed here in question, I find that the same has been properly executed and acknowledged by and on behalf of the Gnadenhutten Monument and Cemetery Association, and by the individual directors of said association; and that the form of said deed is such that the same is legally effective to convey the above described property to the State of Ohio by fee simple title. I am herewith returning said deed to you with my approval endorsed thereon.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

3515.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE ARDIT MOSAIC TILE AND MARBLE COMPANY OF COLUMBUS, OHIO, FOR TERRAZZO FLOORS IN COTTAGE "P", OHIO HOSPITAL FOR EPILEPTICS, GALLIPOLIS, OHIO, AT AN EXPENDITURE OF \$4,450.00. SURETY BOND EXECUTED BY THE ROYAL INDEMNITY COMPANY OF NEW YORK.

COLUMBUS, OHIO, August 21, 1931.

HON. ALBERT T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works for the Department of Public Welfare (Ohio Hospital for Epileptics), and the Ardit Mosaic Tile and Marble Company of Columbus, Ohio. This contract covers the construction and completion of Terrazzo Floors in Cottage "P", Ohio Hospital for Epileptics, Gallipolis, Ohio, according to Item 1 of the Form of Proposal dated July 1, 1931. Said contract calls for an expenditure of four thousand, four hundred and fifty dollars (\$4,450.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also submitted evidence showing that the Controlling Board has released the funds for the purposes of this contract according to the provisions of Section 1 of House Bill 596 of the 89th General Assembly.

In addition, you have submitted a contract bond upon which the Royal Indemnity Company of New York appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation act have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

3516.

JURY CODE—EFFECTIVE AUGUST 2, 1931, AS TO APPOINTMENT OF JURY COMMISSIONERS—GRAND AND PETIT JURORS SERVE AND ARE DRAWN AND SUMMONED ACCORDING TO OLD LAW UNTIL JURY YEAR BEGINNING AUGUST 1, 1932—REPEAL OF STATUTES DISCUSSED.

*SYLLABUS:*

1. *Amended Senate Bill No. 184 of the 89th General Assembly, known as the "Jury Code", becomes effective August 2, 1931, in so far as it directs the appointment of jury commissioners in compliance therewith within thirty days after its effective date, although the jury list to be compiled in accordance with the act does not constitute the regular jury list from which jurors for service are to be selected until the jury year beginning August 1, 1932.*

2. *Until the jury year beginning August 1, 1932, grand and petit jurors for service in courts of record shall continue to be drawn and summoned and shall serve as now provided by law. Thereafter, they shall be drawn and notified, and shall serve as prescribed by the "Jury Code" as enacted by the 89th General Assembly.*

3. *All statutes inconsistent with the "Jury Code" are either expressly or impliedly repealed.*

COLUMBUS, OHIO, August 21, 1931.

HON. JAMES M. AUNGST, *Prosecuting Attorney, Canton, Ohio.*

DEAR SIR:—I am in receipt from you of the following request for my opinion:

"May the Common Pleas Court commence to function at once under the new jury code or must they proceed under the old one? There has been no repeal of the old jury code."