

"Said premises shall be used by the Conservation Division of Ohio principally for a coon ranch. Said property to revert back to the grantors herein at their option if said land is not used by the State of Ohio for the propagation of wild game."

I assume that it is this provision in the deed which suggests the question made in the communication of the conservation commissioner with respect to the authority of the conservation council to erect buildings and other improvements on this land. More specifically, the question suggested is whether if such buildings and other improvements are erected and constructed on this land, the same will revert with the land to the former owners in case the State of Ohio, acting through the conservation council or other competent authority, should abandon the use of this land for the purpose of propagating wild game. Upon the authority of the decision of the Supreme Court of this state in the case of *Schwing vs. McClure*, 120 O. S. 335, I am of the opinion that buildings, fences and pens erected by the conservation council upon this land for use in connection with the maintenance of this land for the propagation of game would not revert with the land to the grantors in case of the abandonment of the land for the purpose above stated. Following the reasoning of the Supreme Court in the case above noted, it may be said that inasmuch as the conservation council would have no authority to erect buildings and other improvements on this land and thereafter convey the same without consideration to another, the conservation council could not accomplish this result indirectly accepting a deed containing a reverter clause under which the land goes back to the grantors.

I am of the opinion therefore that buildings, fences and pens erected and constructed upon this land would remain the property of the State of Ohio in case the land should revert to the former owners thereof under the reverter clause in the deed above referred to.

In this situation I see no objection to the erection and construction of the buildings and improvements here referred to, provided the board of control approves the construction of these improvements and releases the money necessary for the same.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4146.

APPROVAL, NOTES OF NELSONVILLE CITY SCHOOL DISTRICT,
ATHENS COUNTY, OHIO—\$9,000.00.

COLUMBUS, OHIO, March 14, 1932.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.