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HISTORICAL SOCIETY, COUNTY—MAY USE MONEY RECEIVED UNDER SECTION 2457-1 GC TO PURCHASE OLD HOUSE — EXAMPLE OF EARLY ARCHITECTURE — HOUSE MAY BE USED TO STORE AND DISPLAY COLLECTION OF HISTORICAL RELICS.

SYLLABUS:

A County Historical Society may use the money paid to it under Section 2457-1, General Code, to purchase an old house for the purpose of preserving said house as an example of early architecture, and, as an incident thereto, may use said house as a place of storage and display for its collection of historical relics.

Columbus, Ohio, April 20, 1953

Hon. H. Dennis Dannley, Prosecuting Attorney
Medina County, Medina, Ohio

Dear Sir:

I am in receipt of your recent request for my opinion which is quoted in pertinent part as follows:

“I have received a request from the Medina County Historical Society of Medina, Ohio, for an opinion as to whether they may legally use funds which they have received in the past years from the Medina County Commissioners under Section 2457-1 and also funds which they expect to receive in the future under the same section for the purpose of purchasing a home in Medina for use in storing and displaying their relics.”

From the Medina County Historical Society's letter, which is attached to your request, I note that the Society wishes to purchase this home for the additional reason of preserving it as an example of early architecture.

That part of Section 2457-1, General Code, which sets forth how funds appropriated by the county commissioners for a historical society are to be spent is quoted as follows:

"* * * to be used for the promotion of historical work within the borders thereof, and for the collection, preservation, and publication of historical material, and to disseminate historical information of the county, and in general to defray the expense of carrying on historical work in such county.

"Provided, that such funds may not be used for the construction of buildings * * *."

The only part of the above quoted statute which bears close examination is that part which contains the proviso that the funds appropriated may not be used for the construction of buildings. It is significant to note that the Legislature in writing this prohibition into this law did not prohibit the acquisition of real estate altogether. This being true, it logically follows that the Legislature clearly contemplated that the money so provided might well be used for the purchase of a building of historical significance.

I assume that the purchase of the old Medina home, which is for the purpose of preserving it as an example of early architecture, involves the purchase of a building of historical significance.

For the reasons hereinabove stated, it is my opinion, and you are accordingly advised, that a County Historical Society may use the money paid to it under Section 2457-1, General Code, to purchase an old house for the purpose of preserving said house as an example of early architecture, and, as an incident thereto, may use said house as a place of storage and display for its collection of historical relics.

Respectfully,

C. WILLIAM O'NEILL
Attorney General