

occasion, which occasion was not more than ten days nor less than eight days preceding the opening of the bids. The final approval of the project by the P.W.A. Director of Ohio is also noted. Evidence is also submitted showing that the proper papers are filed with the Auditor of State.

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,

HERBERT S. DUFFY,
Attorney General.

27.

APPROVAL—QUIT CLAIM DEED TO LICKING COUNTY,
OHIO, EXECUTED BY WILLIAM W. WEHRLE, ET AL.

COLUMBUS, OHIO, January 22, 1937.

Ohio State Archaeological and Historical Society, Columbus, Ohio.

GENTLEMEN: You have submitted for my examination and approval a certain quit claim deed executed by William W. Wehrle, Laura M. Wehrle, his wife, and Augustine T. Wehrle, unmarried, in and by which there is conveyed to The Ohio State Archaeological and Historical Society by way of remise, release and quit claim a certain tract containing 6.086 acres of land situated in the Third and Fourth Quarters of the Second Township in the Twelfth Range of the United States Military Lands and which is more particularly described by metes and bounds in said deed. The tract of land here in question is contiguous to the Mound Builders State Park at Newark, Ohio, which was acquired by The Ohio State Archaeological and Historical Society by deed of conveyance from the Board of County Commissioners of Licking County, Ohio, pursuant to the authority of a special act of the 90th General Assembly enacted June 30, 1933, 115 O. L., 465. Mound Builders State Park is the site of prehistoric monuments and aside from the authority conferred upon your Society by the special act above referred to, such Society was authorized to acquire the lands now included in Mound Builders State Park, under the provisions of Section 10198-1, General Code, which section in terms provides that an incorporated association or society such as is The Ohio State Archaeological and Historical Society may acquire and hold any real estate in this state which is the site of historic and prehistoric monuments.

The tract of land described in the Wehrle deed above referred to is being acquired by your Society as a gift or donation from the above named persons as grantors in this deed, as a needed addition to Mound Builders State Park, now owned by you; and inasmuch as the tract of land here in question is contiguous to said park, you are authorized to acquire this additional land under the provisions of Section 10198-1, General Code, as amended, 115 O.L., 207.

The tract of land here in question is conveyed to The Ohio State Archaeological and Historical Society by this deed subject to certain conditions subsequent therein stated. It is provided in this deed that as a part of the consideration for the conveyance The Ohio State Archaeological and Historical Society for itself and its successors and assigns agrees that a certain strip of land therein described shall be used for highway purposes and shall be improved and maintained as such and that such roadway shall be constructed within six months from the time of the execution and delivery of the deed. There is further provision in the deed that The Ohio State Archaeological and Historical Society shall not at any time permit the tract of land conveyed by this deed or any part of certain described land now included in Mound Builders State Park to be used for camp purposes either by automobile tourists or by others. By further provision in this deed it is stipulated that if The Ohio State Archaeological and Historical Society shall violate these conditions the title to the tract of land conveyed by this deed shall revert to the grantors or to their heirs and assigns. There may be some question as to the validity of such of the conditions above referred to as are predicated upon the permitted use of lands now included in Mound Builders State Park and which are not included in this deed of conveyance. However, any validity with respect to these conditions or of any of them will not affect the present title which The Ohio State Archaeological and Historical Society will acquire on acceptance of this deed. And inasmuch as there is nothing in the law which prohibits your Society from acquiring lands by gift or donation subject to conditions of this kind, and since it appears that this deed has been properly executed and acknowledged by the grantors therein named, the same is approved as is evidenced by my approval endorsed upon this deed.

Respectfully,

HERBERT S. DUFFY,
Attorney General.