

3758.

APPROVAL—BONDS OF MONTVILLE RURAL SCHOOL DISTRICT,
GEAUGA COUNTY, OHIO, \$1,029.92.

COLUMBUS, OHIO, January 5, 1935.

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

3759.

APPROVAL—BONDS OF COLUMBIA RURAL SCHOOL DISTRICT,
MEIGS COUNTY, OHIO, \$2,332.83.

COLUMBUS, OHIO, January 5, 1935.

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

3760.

APPROVAL—WARRANTY DEED FOR THE CONVEYANCE TO THE
OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY A
TRACT OF LAND IN MONTGOMERY COUNTY.

COLUMBUS, OHIO, January 5, 1935.

The Ohio State Archaeological and Historical Society, Columbus, Ohio.

GENTLEMEN:—This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a warranty deed tendered to you by C. F. Kettering, Incorporated, a corporation under the laws of the state of Ohio. By this deed, if the same be accepted, there will be conveyed to The Ohio State Archaeological and Historical Society a tract of 15.26 acres of land which is situated in Miami Township, Montgomery County, Ohio, and which is more particularly described by metes and bounds in said deed.

It appears from information contained in your communication that the tract of land covered by this deed immediately adjoins the land which is the site of the Miamisburg Mound, which is one of the largest of the prehistoric conical mounds on the North American Continent; and that the tract of land here in question is needed in and is essential to the development of the park area. In this situation with respect to the purpose of conveyance of this tract of land to The Ohio State Archaeological and Historical Society, and in view of the fact that The Ohio State Archaeological and Historical Society is a society which, under the provisions of section 10198-1, General Code, as such section is amended in House Bill No. 277, enacted by the 90th General Assembly, 115 O. L., 207, is authorized to acquire lands which are immediately contiguous to lands which are the site of any prehistoric mound, your authority to accept this deed and to thereby acquire the land here in question is beyond question.

And inasmuch as I find upon examination of this deed that the same has been properly executed and acknowledged by said the C. F. Kettering, Incorporated, as a corporation, by the hands of its President and Secretary, and that the form of said deed is such that it is legally sufficient to convey this property to The Ohio State Archaeological and Historical Society by full fee simple title, I am approving this deed, as is evidenced by my signature of approval attached to said deed.

Respectfully,

JOHN W. BRICKER,
Attorney General.

3761.

DEPOSITORY—CLAIM WHEN BANK IN LIQUIDATION MAY BE
CERTIFIED BY TREASURER OF STATE TO AUDITOR OF STATE
—CLAIM MAY BE COMPROMISED—INTEREST ON DEPOSITORY
CONTRACT.

SYLLABUS:

1. *A claim against a duly constituted state depository in process of liquidation, and against the sureties on the depository bond, may, under Section 20, General Code, be properly certified by the Treasurer of State to the Auditor of State.*
2. *Such claim may be compromised by the Auditor of State and the Attorney General, pursuant to Section 268, General Code.*
3. *Interest provided in a state depository contract continues to accrue during the period when the depository bank is under the control of a conservator, pursuant to Section 710-88a, General Code.*
4. *Interest payable under such depository contracts ceases when the Superintendent of Banks takes possession of a bank for liquidation pursuant to Section 710-89, General Code.*
5. *Where, under a plan approved by a court of competent jurisdiction, for the reopening of a state depository bank, debenture notes of a mortgage loan company are made payable to all depositors, including the State of Ohio, the Treasurer of State, in completing a compromise between the sureties on the depository bond and the state, the same having been approved by the Auditor of State and the Attorney General, may legally endorse such debenture notes to the surety companies "without recourse."*

COLUMBUS, OHIO, January 7, 1935.

HON. JOSEPH T. TRACY, *Auditor of State, Columbus, Ohio.*

DEAR SIR:—I have your letter of recent date, which reads as follows:

"We have certified to us by the Treasurer of State a claim against the Elyria Savings & Trust Co., Elyria, Ohio, for inactive deposits in the amount of \$100,000, plus accrued interest amounting to \$3,347.36. This is presumably certified to us under the provisions of Section