

52.

APPROVAL, NOTES OF VAN BUREN TOWNSHIP RURAL SCHOOL DISTRICT, MONTGOMERY COUNTY, OHIO—\$20,000.00.

COLUMBUS, OHIO, January 24, 1933.

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

53.

APPROVAL, FOUR BONDS FOR THE FAITHFUL PERFORMANCE OF THEIR DUTIES AS RESIDENT DISTRICT DEPUTY DIRECTOR—PIERRE V. COPPESS—WILLIAM E. FRASCH—BOYD W. WIERMAN—A. A. JOSEPH.

COLUMBUS, OHIO, January 24, 1933.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval four bonds, each in the penal sum of \$5,000, with sureties as indicated, to cover the faithful performance of the duties of the officials as hereinafter listed:

Pierre V. Coppess, Resident District Deputy Director, Darke County—Hartford Accident and Indemnity Company of Hartford, Connecticut.

William E. Frasch, Resident District Deputy Director, Hardin County—National Surety Company.

Boyd W. Wierman, Resident District Deputy Director, Richland County—The Aetna Casualty and Surety Company of Hartford, Connecticut.

A. A. Joseph, Resident District Deputy Director, Seneca and Wood Counties—Massachusetts Bonding and Insurance Company.

The bonds are undoubtedly executed pursuant to the provisions of section 1183 and 1182-3, General Code, which state as follows:

Sec. 1183. “* * * Such resident district deputy directors shall * * * give bond in the sum of five thousand dollars. * * *”

Sec. 1182-3. “* * * All bonds hereinbefore provided for shall be conditioned upon the faithful discharge of the duties of their respective positions, and such bonds, * * * shall be approved as to the sufficiency of the sureties by the director (of highways), and as to legality and form by the Attorney General, and be deposited with the secretary of state. * * *” (Words in parenthesis the writer’s).

Said bonds appear to be in proper legal form and in accordance with the above sections. However, in the bond of Boyd W. Wierman, I would suggest that the words “Resident District Deputy Director” be inserted in the oath after

the following clause in the second line: "and that I will faithfully discharge the duties of the office of." Also the word "appointed" should be inserted in the third line of the oath after the words "to which I have been."

I am accordingly endorsing my approval on said bonds and returning them to you herewith.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

54

APPROVAL, DEED BY F. B. COOPER AND FRANCES COOPER, CONVEYING LAND IN JACKSON COUNTY, OHIO, TO THE OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY.

COLUMBUS, OHIO, January 24, 1933.

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

GENTLEMEN: This is to acknowledge the receipt of your recent communication submitting for my examination and approval a certain warranty deed executed by F. B. Cooper and Frances Cooper, his wife, by which there is conveyed to The Ohio State Archaeological and Historical Society an one-half acre tract of land in Jackson Township, Jackson County, Ohio, upon which are located a number of prehistoric rock pictures or carvings known as "petroglyphs."

By the terms of the deed this property is conveyed to your society on the condition that you are to improve the same as a permanent park and to keep the same in repair. There is a further provision in the deed that if you fail to make said improvements within two years from the date of the deed, this tract of land is to revert to the grantors, their heirs or assigns.

Assuming that one of the purposes of your society as indicated in your articles of incorporation is the preservation of prehistoric monuments, as I believe is the fact, you are, under the provisions of Section 10198-1, General Code, authorized to acquire and hold any real estate in this state "which is the site of a prehistoric mound, earth or stone works." However, there is nothing in the provisions of Section 10198-1, General Code, which in express terms authorizes you to accept a conveyance of property upon a condition subsequent such as that provided for in the deed here in question. And inasmuch as your society is not a benevolent, educational, penal or reformatory institution, wholly or in part under the control of the state, within the meaning of Section 18, General Code, no express authority is granted to you by this section to accept a conveyance of this property upon a condition such as that contained in this deed.

I am inclined to the view, however, that as a corporation not for profit incorporated and organized under the laws of this state, you have implied authority to improve lands which you have acquired pursuant to statutory authority by the use of such funds as you may have available for the purpose.