

tificate may be written on a separate piece of paper and attached or appended to the instrument. 1 Corpus Juris, p. 828. An examination of the statutes of Illinois reveals that the Illinois law does not require an acknowledgment to appear upon the same sheet of paper with the instrument acknowledged; and hence, the acknowledgment of the deed in question is valid under the laws of Illinois. As a consequence of the deed's validity under the law of Illinois, where the instrument was executed, it is validated by the above quoted provisions of Section 8516 of the General Code.

The taxes for the year of 1930 have been fully paid, but the taxes for 1931 are now a lien upon this property. Said abstract reveals no further encumbrances.

Encumbrance estimate No. 1776 is in proper form, and shows that there remains in the proper appropriation account a sufficient balance to pay the purchase price of said land.

I am herewith returning to you all of the papers enumerated above as having been received.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3222.

CONVEYANCE OF LAND—BY GNADENHUTTEN HISTORICAL ASSOCIATION TO STATE OF OHIO—NECESSITY FOR ACCEPTANCE BY LEGISLATURE—ACCEPTANCE BY AFFIRMATIVE PROVISION IN APPROPRIATION BILL VALID.

SYLLABUS:

A deed of conveyance executed to the State of Ohio by the Gnadenhutten Historical Association or other society holding the legal title to a parcel of land which is used as a site for a monument commemorating the memory of the Moravian Indians will not be effective to vest the title of said property in the State of Ohio without action of the legislature accepting such conveyance. Such acceptance by the state may be effected, however, by a provision therefor in an appropriation act making an appropriation to such association or society in connection with the use of said property for the purposes for which the same has been dedicated.

COLUMBUS, OHIO, May 13, 1931.

HON. WALTER G. NICKELS, *State Senator, 89th General Assembly, New Philadelphia, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication in which you state that the Gnadenhutten Historical Association holds the legal title to a parcel of land which is used as a site for a monument commemorating the memory of a number of Christian Indians who at an early date in the history of this state were massacred at or near said site, and that said association desires to convey the title of said land to the State of Ohio.

In your communication the question is presented as to whether the State of Ohio can accept a deed for this land without action of the legislature. Speaking generally with respect to the question submitted, it may be said that the right of the State to acquire and hold property is as full and complete as that of an individual. Touching this question, the following is said in 36 Cye., at page 869:

“A state has in general the same rights and powers in respect to property as an individual. It may acquire property, real or personal, by conveyance, will, or otherwise, and hold or dispose of the same or apply it to any purpose, public or private, as it sees fit. The power of the state in respect to its property rights is vested in the legislature, and the legislature alone can exercise the power necessary to the enjoyment and protection of those rights, by the enactment of statutes for that purpose.”

Upon this question it may be further noted that section 18 of the General Code provides as follows:

“The state, a county, a township or cemetery association, the commissioners or trustees thereof, a municipal corporation, the council, a board or other officers thereof, a benevolent, educational, penal or reformatory institution, wholly or in part under the control of the state, the board of directors, trustees or other officers thereof, may receive by gift, devise or bequest, moneys, lands or other properties, for their benefit or the benefit of any of those under their charge, and hold and apply the same according to the terms and conditions of the gift, devise or bequest. Such gifts or devises of real estate may be in fee simple or of any lesser estate, and may be subject to any reasonable reservation. This section shall not affect the statutory provisions as to devises or bequests for such purposes.”

It clearly appears, therefore, that under the provisions of section 18 of the General Code, as well as independently of the provisions of said section, the State of Ohio is authorized to receive a conveyance of the property above referred to from the Gnadenhutzen Historical Association or from such other association or society as may have the legal title to said property. In this connection, it is to be noted, however, that before property donated or otherwise conveyed to the State can pass to and become vested in the State, it must in some manner accept the same. If the legislature has enacted some statutory provision designating some state officer or board with authority to accept property on behalf of the State, either generally or for some particular purpose, the acceptance of the property by such officer or board will, of course, be effective to vest the title of such property in the State. *State ex rel. Clemmer and Johnson Co. v. Turner*, 93 O. S. 379, 384. However, if there be no statutory provision authorizing some designated officer or board to accept property donated or otherwise conveyed to the State, such property cannot be accepted otherwise than by an act of the legislature for the purpose.

This principle would be especially applicable in a case such as that here presented where the conveyance to the State would not be absolute and without restriction, but would be in trust for the purpose of holding said tract of land and devoting the same for use as a site for the monument referred to in your communication, which, as above noted, was erected to commemorate the Moravian Indians who lost their lives at this place.

In your communication you further inquire whether a provision accepting this property on behalf of the State can be incorporated in the appropriation bill now pending, in which an appropriation will be made for the purpose of financing a centennial celebration at this historic site to be held next year. Although it would obviously be more appropriate for the legislature to accept the title to this property by special act enacted for the purpose, I am inclined to the view that the incorporation of a provision accepting the title to this property on behalf of the State could be incorporated in said appropriation act in connection with the appropriation therein made for the celebration above referred to, without offending the provision of section 16 of Article II of the Constitution that no bill shall contain more than one subject, which shall be clearly expressed in its title. Moreover, this constitutional provision is directory only, and its observance is a matter that must be left to the General Assembly. *Pim v. Nicholson*, 6 O. S. 177. It is not unusual for appropriation acts to contain provisions of an affirmative nature creating or defining rights and obligations with respect to some particular matter in connection with which an appropriation is made; and although it is no part of my duty to advise the General Assembly as to the manner in which the desired purpose should be accomplished with respect to the matter here presented, I am of the opinion, by way of specific answer to your question, that if appropriate provision is made in said appropriation act for the acceptance of this property on behalf of the State, after a proper deed conveying this property to the State has been executed and acknowledged, such provision will be effective to invest the title to the property in the State.

In connection with the matter above discussed, information has come to my attention to the effect that the title to the property here in question is owned and held by the Gnadenhutten Monument and Cemetery Association. However, I do not have any definite knowledge with respect to the ownership of this property, and it is suggested that careful attention be given to the question of the legal ownership of the property before any deed conveying the same to the State is executed for the purpose.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3223.

COUNTY COMMISSIONERS—UNAUTHORIZED TO ISSUE BONDS FOR
A CADASTRAL SURVEY.

SYLLABUS:

A county is not authorized to issue bonds to pay the cost of a cadastral survey.

COLUMBUS, OHIO, May 13, 1931.

HON. DON ISHAM, *Prosecuting Attorney, Akron, Ohio.*

DEAR SIR:—This acknowledges receipt of a communication from your assistant, which reads as follows:

“The County of Summit, for the general health, safety and convenience of its citizens, and specifically in order to comply with an order from the State Board of Health, must proceed with the purifying of the waters