

offices", also stated that no probation officer while holding such office shall "be a candidate or seek the nomination for any other public office or employment", the court in its opinion stated that the latter requirement was in aid of the former requirement, and strongly intimated that even without the latter requirement in the statute, a probation officer could not hold the position of superintendent of the detention home at the same time. The court said at page 9:

"In the present case we have a potent index to the legislative intent in using the words "be a candidate" and "seek the nomination," in the very language of section 18 of the Juvenile Court Act. In the same sentence in which these words are found, and preceding them, it is declared that probation officers "shall devote their entire time and attention to the duties of their offices." It is, therefore, manifestly in aid of this provision that probation officers shall not be candidates nor seek nominations for other offices or employments. But this plain legislative intent will be frustrated and the provision be reduced to an absurdity if the language employed is to receive a literal construction. The time to be expended by a probation officer in seeking or being a candidate for another office or employment would ordinarily be inconsiderable when contrasted with the time expended by him in occupying and discharging the duties of the new office or employment, if his seeking, or his candidacy, were successful. Moreover, a literal construction would serve to disqualify a probation officer who sought another office or employment successfully, but would not disqualify one who procured and occupied another post without actually or technically seeking it. We are convinced that the legislature did not intend such an anomaly to arise through the application of the provision now under examination. When probation officers were commanded not to seek other places, they were disqualified from occupying such places."

In view of the foregoing, I am of the opinion that the clerk of the board of county commissioners appointed under the resolution of the county commissioners by virtue of authority of section 2409, General Code, may not act as bookkeeper at the Lake County Memorial Hospital while acting as clerk.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

3514.

APPROVAL, DEED TO LAND IN GNADENHUTTEN, TUSCARAWAS  
COUNTY, OHIO.

COLUMBUS, OHIO, August 20, 1931.

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

DEAR SIR:—This is to acknowledge the receipt of your communication to me under date of August 18, 1931, with which you enclose for my examination and approval a certain deed executed by The Gnadenhutzen Monument and Cemetery Association and by the directors thereof, to the State of Ohio by which there is conveyed to the State the following described property in Gnadenhutzen, Tuscarawas County, Ohio:

Known as Outlot Number Two (2) containing four and twenty-three hundredths (4.23) acres, and Outlot Number Three (3) containing two and thirty-four hundredths (2.34) acres, be the same more or less, but subject to all legal highways.

This conveyance which is made for the purpose of providing for the preservation of the site of the monument erected to the memory of the ninety-six Christian Indians who were massacred on March 8, 1782, was the subject of Opinion No. 3222 of this office directed to Hon. Walter G. Nickels, State Senator in the 89th General Assembly, under date of May 13, 1931. In the former opinion in this office above referred to, it is held that a deed of conveyance executed to the State of Ohio by the Gnadenhutten Monument and Cemetery Association then holding the legal title to the parcels of land above described would not be effective to vest the title to said property in the State of Ohio without action of the legislature accepting such conveyance; but that such acceptance of the title to this property by the State might be effected by provision therefor in the general appropriation act which was then under consideration by the 89th General Assembly.

In this connection it is noted that in House Bill No. 624, the same being the general appropriation act above referred to, express provision was made for the acceptance, as a gift, of the above described property from the Gnadenhutten Monument and Cemetery Association, with a further provision that the custody of said property should be vested in the board of trustees of the Ohio State Archaeological and Historical Society.

Upon examination of the deed here in question, I find that the same has been properly executed and acknowledged by and on behalf of the Gnadenhutten Monument and Cemetery Association, and by the individual directors of said association; and that the form of said deed is such that the same is legally effective to convey the above described property to the State of Ohio by fee simple title. I am herewith returning said deed to you with my approval endorsed thereon.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

3515.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE ARDIT MOSAIC TILE AND MARBLE COMPANY OF COLUMBUS, OHIO, FOR TERRAZZO FLOORS IN COTTAGE "P", OHIO HOSPITAL FOR EPILEPTICS, GALLIPOLIS, OHIO, AT AN EXPENDITURE OF \$4,450.00. SURETY BOND EXECUTED BY THE ROYAL INDEMNITY COMPANY OF NEW YORK.

COLUMBUS, OHIO, August 21, 1931.

HON. ALBERT T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works for the Department of Public Welfare (Ohio Hospital for Epileptics), and the Ardit Mosaic Tile and Marble Company of Columbus, Ohio. This contract covers the construction and completion of Terrazzo Floors in Cottage "P", Ohio Hospital for Epileptics, Gallipolis, Ohio, according to Item 1 of the Form of Proposal dated July 1, 1931. Said contract calls for an expenditure of four thousand, four hundred and fifty dollars (\$4,450.00).