Dear Sir:

I have your letters requesting my opinion on two questions which are as follows:

What, if any, control over the type and height of structures near the War Memorial can be exercised by the Board of Trustees?

Does the Board of Trustees have the power to grant the use of some of the rooms in the Memorial Building to a particular church for Sunday Morning Services?

The only control by the Board of Trustees over the character and height of structures near the Memorial is specifically set forth in Section 6, of Chapter 50 of the Acts of 1920, (Burns 1943 Replacement, Section 59-207). Clause 3, of this section reads as follows:

"To acquire by condemnation the right to limit the kind, character, and height of buildings upon, and the use of real estate or buildings located within three hundred (300) feet of the outside boundaries."

As to your second question, I call attention to Section 12 of the above quoted act, (Burns 59-213) which reads as follows:

"Such board of trustees shall have the power to grant the use, for public purposes, of any structures, or any part thereof, erected by them under the provision of this act, without rent or charge, or for only a nominal rental, to any organizations of soldiers, sailors and marines and others, as a place or places for their meeting and headquarters, and for the keeping of records, archives, documents, flags, mementoes and relics, and for other public meetings and other public
The Board of Trustees have only the authority granted to them by the Legislature for the operation and control of the Memorial Building. Any use of the building granted by the Board must come within the terms of the above quoted section. It is my understanding that it has long been the custom of the Board, pursuant to the latter part of the above quoted sections, to grant the use of the building or parts thereof for conventions or special meetings of church groups regardless of their particular faith. However, in this instance it is my understanding that it has been proposed to the Board that certain rooms be set aside for one particular church of one particular faith to be used regularly for Sunday School Services.

It is my opinion that a reasonable construction of the above statute does not give the Board authority to grant the use of the rooms for this purpose.

OFFICIAL OPINION NO. 23
March 30, 1950.

Mr. George H. Hermann,
Secretary-Treasurer,
State Board of Embalmers &
Funeral Directors,
1505 South East Street,
Indianapolis, Indiana.

Dear Sir:

Your letter of March 9, 1950, has been received requesting an official opinion concerning the 1949 Funeral Directors Statute. Your question is as follows:

"Can one person use his name in two separate businesses at two separate locations?"