by having the governor, upon proper petition to be filed by you, to cause the transfer of the boy to the Indiana school for feeble-minded youth, if such charge is between the ages of six and sixteen, or to an appropriate institution, if the boy is over the age of sixteen.

In response to your second inquiry, I am of the opinion that since the form of the test is a matter responsive only to the rules and regulations of your school, that the procedure to be adopted is to be governed by the board of control of your institution. However, it would be practical to adopt such procedure as will facilitate the obtaining of the governor’s approval that such a transfer be made when recommended.

CLARK, GOERGE ROGERS MEMORIAL: Authority to enter into agreement with landowner upon the basis of a reappraisalment.

September 30, 1933.

Hon. Clem J. Richards,
President,
The George Rogers Clark Memorial Commission,
Indianapolis, Indiana.

Dear Sir:

I have before me your request for an official opinion as to the authority of the commission to acquire real estate for the purpose of building the memorial. You refer to the class of cases where the owners of lands desired by the commission object to appraisals made by the commission as being erroneous and not equitable as compared by other properties purchased by the commission. You submit the following question: “May we cause another appraisal to be made in an effort to arrive at an equitable price?”

Section 11 of chapter 22 of the Acts of 1927, sets out the powers of the commission with respect to the acquisition of land. Two methods are provided for. The first method, is by agreement with the owner, and the second, by condemnation proceedings. There is no provision in the act requiring reappraisal and for that reason, a reappraisal for the purpose of arriving at a price which is fair to the owner and also to the commission is not prohibited. It is only when the commission and the owner cannot agree that condemnation proceedings are necessary. The answer to your question is in the affirmative.