

It will be noted that this statutory provision applies only to acts or deeds of the buyer made before or at the time of the execution of the contract. It does not forbid the parties from dealing in any manner which they desire with reference to the subject matter of the sale after such sale has been consummated.

It is my opinion, therefore, that the parties may make any settlement which they desire to make after the sale has been consummated and upon default so long as the same does not contravene any express provisions of law.

LIBRARY AND HISTORICAL DEPARTMENT OF INDIANA: Disposition of real and personal property on disbanding.

June 23, 1937.

Hon. Christopher B. Coleman, Secretary,
Indiana Historical Society,
State Library and Historical Building,
Indianapolis, Indiana.

Dear Sir:

I have at hand your recent request for an official opinion concerning certain questions presented in a letter to you from Violet E. Toph, a member of the Ripley County, Indiana, Historical Society, which questions substantially stated are:

1. If a county historical society holds by an unrestricted deed a museum building and lot, such building and lot having been purchased by county appropriations, and such society decides to disband, to whom does the lot and building revert?

2. Upon such disbanding of the historical society, to whom do the donated relics belong?

From the facts stated in the first question, I assume that the museum building and lot were purchased by appropriation of the County Council of Ripley County in compliance with Acts of 1929, chapter 42, section 5, wherein it is provided that the county council of a county may appropriate not in excess of ten thousand dollars for construction or purchase of rooms and vaults for such societies. Such being the case, sections 7 and 8 of the above Act govern in the control and disposition of such properties. Said sections read as follows:

"Such rooms, buildings or vaults as may be constructed, purchased, provided or installed in any county of this state, under the provisions of this Act, shall be under the joint control of the historical society for the use of which such rooms, vaults or buildings shall have been provided, and its legitimate successor or successors, and the board of county commissioners, under such rules as they may, by their concurrent action, establish; but such historical society or societies shall alone be responsible for all expenses of every kind incurred in the prosecution of its or their work, except such costs for the construction, purchase, installation and maintenance of the rooms, buildings or vaults and such other expenses as are provided for in this Act."

"Upon the forfeiture or voluntary surrender of the occupancy of any such rooms, buildings, or vaults to the county, by any historical society for which they were constructed, purchased or installed, the board of county commissioners may place such rooms, buildings or vaults in charge of some other society, organized for purposes similar to those of the original society, if any such society exists in the county, or if any such society shall be organized to the satisfaction of the board; but preference shall, in all cases, be given to the original society, if it should reorganize or resume its activities, and any society that shall accept the use and care of such property and the occupancy of the rooms, buildings or vaults, shall be accountable to the county for the same, and such rooms, buildings and vaults shall continue to be the property of the county as is provided in this Act. The purposes of this Act are to create and perpetuate a system for the collection and preservation of local and general history, to make a record of the progress of the several counties of the state, and to provide permanent nuclei for individual and family history and local observation of scientific phenomena."

It will be noted that, the county having furnished the money for the construction or purchase of such building, said county by its commissioners retains joint control with the society to such properties. The disbanding of the society, as stated in your question, leaves no entity to exercise joint

control with the county commissioners and in my opinion works a forfeiture or voluntary surrender of the occupancy of such building under the provisions of section 8 of the Act of 1929. Therefore, in my opinion, the answer to your first question is that the building and lot herein in question will revert to the county to be used or disposed of in compliance with provisions of this Act.

Your second question is likewise answered by a specific section of the Acts of 1929, chapter 42. Section 6 of said Act provides for the disposition of the personal property of historical societies which disband and cease to function under the provisions of the Act. Section 6 reads as follows:

"If the historical society for which and upon whose petition such rooms, vaults or buildings shall have been provided by the county, as prescribed in this Act, should fail to avail itself of the use of such rooms, vaults or buildings, or if such historical society shall voluntarily surrender to the county its rights and privileges thereto, or disband, or discontinue its meetings for a period of two consecutive years, *all of its papers, records and collections of every kind, and all of its furniture and equipment shall become the property of the county*, and the board of county commissioners shall provide for the safekeeping of the same before such rooms, vaults or buildings are used for any other purpose either by the county or by any other person, society or association; but the provisions of this section shall not be so construed as to prevent any person or persons who shall have contributed any papers or historical or biographical data to such collection from making copies thereof for their own private use and profit, nor shall the provisions of this section be so construed as to prevent any person or persons who have lent any object of historical interest or any equipment to the society from recovering possession of such objects of historical interest or equipment."

The italicized portion of the above section, especially the word "collections," adequately provides for the disposition of the relics donated to any historical society. Therefore, in answer to your second question, it may be said that the relics

donated to said society become the property of the county to be dealt with under the provisions of this Act.

Section 12 of this Act provides that all historical societies provided for by prior acts are subject to the provisions of the 1929 Act and in my opinion the answer to the two foregoing questions would be the same whether the society herein in question organized under the 1929 or prior acts.

ACCOUNTS, STATE BOARD OF: Deputies, number of deputies authorized for the several Lake County offices. Chap. 45, Acts of 1937, construction of same.

June 23, 1937.

Hon. William P. Cosgrove,
State Examiner,
State Board of Accounts,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter calling attention to chapter 45 of the Acts of 1937, the same being an Act entitled:

“AN ACT to amend section 1 of an act entitled ‘An Act to amend section 2 of an act entitled “An act fixing the compensation of certain public officials, their deputies and assistants and fixing manner of payment thereof; authorizing the appointment of deputies and assistants; prescribing certain duties; making a division of deputy’s and assistants (assistant’s) compensation unlawful and providing a penalty therefor; providing for the collection of fees and mileage and the disposition of same; repealing all laws in conflict therewith and fixing the time of taking effect,” approved February 16, 1933,’ approved February 26, 1935.”

Acts of 1937, page 279.

On the basis of the provisions of the above Act, you request an official opinion in answer to the following questions:

“1. Does the official have to discharge his employee and rehire so that he may not be increasing a salary in violation of the constitutional provision?