

April 26, 1962

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Mr. V. H. Simon, Chairman
Wilson's Creek Battlefield National
Park Commission
c/o The Southern Missouri Trust Company
Springfield, Missouri

Dear Mr. Simon:

This refers to your letter of April 23, 1962, relating to the acquisition and conveyance of real estate by your commission under the provisions of Senate Bill No. 254, 71st General Assembly.

As noted in your letter, Section 4 of Senate Bill No. 254 provides in part that the Wilson's creek battlefield national park commission shall have the following powers and duties:

"(1) To acquire and convey to the United States of America or any of its agencies such lands and improvements thereon and any monuments as may be designated by the United States of America or any of its agencies for inclusion in the Wilson's creek battlefield national park pursuant to Public Law 86-434 of the 86th congress of the United States, which established the park; "

Another provision of Section 4 authorizes the commission to exercise the right of eminent domain in the acquisition of real estate. Section 7 of the bill contains a reference to the acquisition and conveyance of real estate by providing for a final report and dissolution of the commission when the commission "has acquired and conveyed to the United States all lands and improvements designated by the secretary of the interior or the national park service for inclusion in the Wilson's

creek battlefield national park."

It is our opinion that title to the real estate acquired by your commission should be taken in the name of the State of Missouri, rather than in the name of your commission. In order to identify the real estate as real estate acquired by your commission and subject to control and conveyance by it, it is our recommendation that the deeds show the real estate to be conveyed to "State of Missouri, for the use and benefit of Wilson's Creek Battlefield National Park Commission." This is in accordance with a practice which has been commonly followed in the acquisition of real estate by state agencies.

It is our opinion, further, that the above quoted statutory provision clearly authorizes your commission to convey to the United States of America, or agencies thereof, the real estate which it acquires. It is our recommendation that the deeds show the real estate to be conveyed by "Wilson's Creek Battlefield National Park Commission, acting for and on behalf of the State of Missouri. "

With respect to who signs and acknowledges such deeds on behalf of your commission, it is our opinion that, under authorization by appropriate resolutions of your commission, this may be done by the chairman or the chairman and secretary of your commission, or that the deeds may be signed and acknowledged on behalf of the commission by all members of the commission. While we do not consider it essential, it has been a rather common practice in comparable situations for deeds to be signed and acknowledged by all members of boards or commissions conveying state owned land, and this perhaps has the advantage of reducing the chance that the authority of the persons executing the deeds may be questioned at some future time.

Very truly yours,

THOMAS F. EAGLETON
Attorney General