

that a considerable portion of the land covered by the lease is used as a public thoroughfare and for this reason produces no revenue to the city; (2) that the city's sublessees are in arrears in rentals payable to it in the aggregate amount of \$4120.00, and that this condition is caused by the fact that the rentals are excessive under present economic conditions; (3) that the original valuation placed on this property at the time this lease was granted, is excessive.

Acting upon this application your predecessor in office made a finding in and by which the delinquent rentals under this lease for the period between November 1, 1933, and May 1, 1935, amounting to \$3345.42, were adjusted and reduced to the sum of \$2341.79. The then Superintendent of Public Works likewise in his finding reduced the amount of the current rental under this lease for the period from May 1, 1935, to May 1, 1936, amounting to the sum of \$2230.28, to the sum of \$1784.22, which reduction was made effective as of May 1, 1935.

Upon examining the proceedings relating to the reductions requested in this application, I find the same to be substantially in the form required by House Bill No. 467, 115 O. L., 512. And inasmuch as it is to be assumed that your predecessor made an investigation of the facts relating to the requested reductions required of him by this statute, I am approving the reductions in the amount of delinquent and current rentals made by him, as is evidenced by my approval endorsed upon the resolution which accompanies this finding, and upon the copies thereof, all of which, together with the application and finding, are herewith returned to you.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5439.

APPROVAL—WARRANTY DEED TO LAND IN VILLAGE OF WESTERVILLE, FRANKLIN COUNTY, OHIO, EXECUTED BY THE BENJAMIN HANBY NATIONAL MEMORIAL SOCIETY TO OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY.

COLUMBUS, OHIO, May 1, 1936.

The Ohio State Archaeological and Historical Society, Ohio State Museum, High Street and Fifteenth Ave., Columbus, Ohio.

GENTLEMEN: You have submitted for my examination and approval a warranty deed executed by The Benjamin Hanby National Memorial Society, a corporation not for profit, by which there is conveyed to you

a parcel of land in the village of Westerville, Franklin County, Ohio, and which is more particularly described as follows:

Being In-lot Number Seven (7), in Bright and Slaughter's Addition to the Village of Westerville, Ohio, a description of which may be seen on the recorded plat of said Bright and Slaughter's Addition; said lot is numbered 201 on the plat of the survey of said Village made 1859.

This deed has been properly executed by the above named corporation by the hands of its trustees acting pursuant to the authority of a resolution duly adopted by such trustees, and the execution of this deed by said trustees has been duly acknowledged in the manner provided by law.

The form of this deed is such that the same is legally sufficient to convey the above described property to The Ohio State Archaeological and Historical Society by full fee simple title, free and clear of all encumbrances, subject, however, to a reversion of title on conditions herein-after referred to. The only question presented in connection with the requested approval of this deed by me is whether your Society as such and as a corporation organized for the purposes which characterize your Society, is authorized to accept a conveyance of this property. Under the provisions of section 10198-1, General Code, 115 O. L., 207, an incorporated association or society maintained by and operating for and on behalf of the state of Ohio, and having for its purpose the preservation of historic or prehistoric sites or monuments, or the exploration, examination, improvement or preservation of the same for educational, scientific or memorial purposes may acquire and hold real estate in the state of Ohio which is the site of any historic event. It appears that the property described in this deed is to serve as the site of a house which was once occupied by Benjamin R. Hanby, and in which Benjamin R. Hanby about the year 1856 wrote the song "Darling Nellie Gray", which immediately became one of immense popularity both in this country and abroad; although, it seems, Benjamin R. Hanby, the author of the song, received very little remuneration from the proceeds of the sale of this song.

However, it seems that the historical significance of this song lies in the fact that the song and its widespread popularity had something to do with the creation of anti-slavery sentiment in this and other northern states. This sentiment, which rapidly developed in the years immediately preceding the Civil War, is a historic fact which owed its existence to a number of things, including the book "Uncle Tom's Cabin", other literature of this kind and songs such as that typified by "Darling Nellie Gray".

In this situation and in light of the events that followed the production of the song, it appears that the writing of this song was in a sense a historic event within the meaning of this term as the same is used in the provisions of section 10198-1, General Code, above noted; and in this view, I am inclined to the view that you are authorized to accept this deed and the title to the property thereby conveyed.

This property is conveyed to The Ohio State Archaeological and Historical Society in consideration of the agreement of the Society to use the property conveyed as a site for the Benjamin B. Hanby house thereon situated, which property is to be maintained by the Society as a memorial to Hanby and to his work as a song writer during the short period of his adult life. And in this connection, it is noted that the deed here under consideration contains the provision that the title to this property shall revert to the grantor, The Benjamin Hanby National Memorial Society, "should the grantee cease to use the premises for historical purposes". Inasmuch as the only authority that the Ohio State Archaeological and Historical Society has to own and hold this property is that the same may be maintained by it as a memorial to the historic events above referred to, I see no objection to the clause in this deed providing for the reversion of the title in case the grantee ceases to use the property for the purpose above indicated. Upon the considerations above noted, this deed is approved, as is evidenced by my approval endorsed upon the same.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5440.

APPROVAL—BONDS OF CITY OF SHAKER HEIGHTS, CUYA-
HOGA COUNTY, OHIO, \$4,500.00.

COLUMBUS, OHIO, May 1, 1936.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.