

hibit the use of such land for the erection of a building dedicated to the memory of the soldiers and sailors of all wars.

The action taken by the municipality probably would be construed as a license granted to the Trustees for the purpose of erecting such building. While the municipality will still retain its trusteeship over the premises, the Trustees, in the event a building should be erected upon them, probably would have the control of the building.

A number of cases have been referred to as bearing upon the question of whether or not such a building is consistent with the public use referred to in the dedication. After an examination of the cases upon the subject, I am of the opinion that most, if not all, of such cases indicating that such a use is improper can be differentiated from the case under consideration. The construction I place upon the language of the dedication is that such premises were not dedicated for an *open* park. They were dedicated for a park, with the right reserved in the proprietors to say what kind and character of buildings, if any, should be erected thereon.

In view of this situation, it would be impossible to see how a building of the character mentioned could interfere with the general uses and purposes of the park. It is very probable that such a building would increase the value of such park and its usefulness in general.

Whether it is wisdom on the part of the Trustees to undertake such a construction is, of course, entirely a matter of discretion with them. This department could have no interest or give no advice in reference to such policy.

In the event that there should be those who disagree with the legal conclusions herein made, it will be a simple procedure to raise the question by an injunction proceeding questioning the right of the Trustees to proceed.

In view of the foregoing, it is believed that a specific answer to your inquiries will be unnecessary.

Respectfully,  
C. C. CRABBE,  
*Attorney-General.*

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1466.

APPROVAL, FOLLOWING LEASES: ONE IN PIQUA, OHIO, AND ONE IN DELPHOS, OHIO.

COLUMBUS, OHIO, May 15, 1924.

*Department of Highways and Public Works, Division of Public Works, Columbus, Ohio.*

Gentlemen:—

I have your letter of May 13, 1924, in which you enclose the following leases, in triplicate, for my approval:

|   | <i>Valuation</i> |
|---|------------------|
| Piqua Motor Sales Company, Land in Piqua, Ohio----- | \$1,600.00       |
| Stephen H. Wahmhoff, Land in Delphos, Ohio-----     | 200.00           |

I have carefully examined said leases, find them correct in form and legal, and am therefore returning the same with my approval endorsed thereon.

Respectfully,

C. C. CRABBE,

*Attorney General.*

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1467.

ABSTRACT, STATUS OF TITLE, 75.8 ACRES OF LAND MORE OR LESS,  
SITUATED IN ROSS COUNTY, OHIO.

COLUMBUS, OHIO, May 15, 1924.

HON. EDMUND SECREST, *State Forester, Ohio Agricultural Experiment Station,  
Wooster, Ohio.*

Dear Sir:—

Yours of May 13th received, with which you resubmit to this department an abstract of title and deed of lands belonging to one Emma Madden, which lands it is proposed to purchase as a part of the Ross County state forest reserve.

The abstract as now submitted has been corrected in accordance with suggestions made in our communication of April 17, 1924.

The abstract as now presented was prepared by W. J. Beyerly, Abstracter, first certified as of April 11, 1924, and recertified under date of May 12, 1924, the last certification covering interlined additions to the abstract. Said abstract pertains to the following described premises:

“Situating in the County of Ross, in the State of Ohio, and in the township of Scioto, and bounded and described as follows:

Being a part of Survey No. 15056, and beginning at a stake in the Public Road, the northwest corner of the James Best 10 acre tract; thence with his west line, south 23 degrees west 126 poles; thence south 30 degrees east 133.5 poles to where a white oak is called for; thence west 81 poles to a white oak, dogwood and hickory; thence north 12 degrees 30 feet west 146 poles to a white oak, corner to Surveys Nos. 9276 and 15056; thence with the original line of Surveys Nos. 9276 and 15056; north 15 degrees east 78 poles to a stake, the southwest corner of a 12 acre tract of land; thence south 73 degrees 30 feet east 52.4 poles to a stake; thence north 23 degrees east 33.96 poles to a stake in the public road; thence south 73 degrees 30 feet east 10 poles to the place of beginning, containing 75.8 acres more or less.

Upon examination of the abstract as finally submitted, I am of the opinion that same shows a good and merchantable title to said premises in Emma Madden and Charles Madden, her husband, subject to the following:

Your attention is directed to a mortgage shown in section 21 of the abstract, wherein the present owner on the 6th day of December, 1920, mortgaged said premises to Thomas King Wilson, executor, in the sum of \$800.00, which mortgage still stands unsatisfied. This mortgage, as I understand, is to be paid from the proceeds of the sale to the State of Ohio. A proper release of this mortgage must be submitted before the consideration is paid over.