

Bureau of Inland Lakes and Parks in the Division of Conservation, there has been submitted for my examination and approval two Reservoir Land Leases in triplicate, executed by the Conservation Commissioner to Edna Cooper of Dayton, Ohio, and J. C. Wylie, of Huntsville, Ohio, covering certain parcels of State Reservoir Lands on Minnewauken Island in Indian Lake.

Both of these leases are for cottage site and docklanding purposes. One of these leases to wit, that executed to Edna Cooper is for Lot No. 21, on Minnewauken Island, while the other lease is for Lot No. 25, on the plat of this island.

Upon examination of these leases, I find that the same have been properly executed by the Conservation Commissioner and by the respective lessees therein named. I also find that the provisions of these leases and the conditions and restrictions therein contained, are in conformity with the statutory provisions relating to leases of this kind.

I am accordingly approving these leases as to legality and form and herewith enclose the same with my approval endorsed upon the leases and upon the duplicate and triplicate copies thereof.

Respectfully,  
 JOHN W. BRICKER,  
*Attorney General.*

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1006.

APPROVAL, LEASE TO RESERVOIR LAND AT PORTAGE LAKES, SUMMIT COUNTY, OHIO, FOR THE RIGHT TO OCCUPY AND USE FOR BOATHOUSE, DOCKLANDING AND WALKWAY PURPOSES—FRANK P. HERWICK.

COLUMBUS, OHIO, June 30, 1933.

HON. EARL H. HANEFELD, *Director, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of a recent communication from the Chief of the Bureau of Inland Lakes and Parks in the Conservation Division of your department, in which my approval is asked of a certain Reservoir Land Lease in triplicate executed by the Conservation Commissioner, under the authority of Section 471, General Code, to one Frank P. Herwick, of Akron, Ohio.

By the lease above referred to there is leased and demised to the lessee above named, the right to occupy and use for boathouse, docklanding and walkway purposes, the water front and state land in the rear thereof, that lies immediately in front of Lot No. 226, of the Maple Beach Addition, East Reservoir, Portage Lakes; said parcel of land so leased, being in Section 13, Coventry Township, Summit County, Ohio.

Upon examination of this lease, I find that the same has been properly executed by the Conservation Commissioner and by above said named lessee. I also find, from an examination of the lease and from the conditions and restrictions therein contained, that the same are in conformity with the section of the General Code,

under the authority of which this lease is executed and with other sections of the General Code, relating to leases of this kind.

I am accordingly approving this lease as to legality and form as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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1007.

LIQUOR CONTROL COMMISSION—CANNOT REQUIRE CLASS C AND CLASS D PERMITTEES TO PURCHASE BEER ONLY FROM CLASS A AND CLASS B PERMITTEES—CANNOT PROHIBIT CLASSES A, B AND C PERMITTEES FROM DELIVERING BEER.

*SYLLABUS:*

1. *The Ohio Liquor Control Commission cannot promulgate a rule and regulation requiring class C and class D permittees to purchase beer only from class A and class B permittees.*

2. *The Ohio Liquor Control Commission, by a rule and regulation promulgated by that administrative body, cannot prohibit holders of class A, class B and class C permits from delivering beer nor can the Commission adopt a rule and regulation which allows only class C permittees who are grocers to deliver beer.*

COLUMBUS, OHIO, June 30, 1933.

HON L. L. FARIS, *Director, Ohio Liquor Control Commission, Columbus, Ohio.*

DEAR SIR:—This will acknowledge your letter of recent date which reads as follows:

“The State Liquor Control Commission desires a ruling from you on two proposed regulations. The first provides, ‘That holders of Permits C and D cannot purchase beer or beverages under this Act except through holders of A or B Permits. Said Permittees may purchase beer not obtainable in Ohio elsewhere upon being authorized to do so by the Director of this Commission’.

The second proposal is ‘Whether or not we have a right to prohibit all Permittees except those operating bona fide grocery stores from delivering beer; this regulation, however, shall not prevent Permittees from delivering beer upon prescription of a physician’.

Section 3 of Amended Substitute Senate Bill No. 346 is pertinent and dispositive of your first inquiry and reads as follows:

“The commission shall have full power to control and regulate the manufacture, distribution and sale of alcoholic beverages of whatever alcoholic content may be permitted by law.”