

submitting for my examination and approval a certain Water Lease Contract in triplicate executed by you in your official capacity as Superintendent of Public Works and as Director of said Department, to The Akron, Canton & Youngstown Railway Company. By the lease here in question, the lessee therein named is granted the right for the term of five (5) years to insert a one and one-half inch (1½") pipe into the level of the Miami and Erie Canal above Lock No. 24, north of Loramie Summit, and to take therefrom water for the purpose of supplying locomotives of said railway.

The rental provided for in this lease is \$58.40 annually, based upon an estimated annual consumption of water under the lease, of 7,500,000 gallons; and provision is made that if there should be an annual consumption of water over this estimate, the same shall be paid for at the rate of eight mills per thousand gallons.

Upon examination of this lease, I find that the same has been properly executed by you and by The Akron, Canton & Youngstown Railway Company acting by the hand of an authorized official. I further find upon examination of the provisions of this lease, and of the conditions and restrictions therein contained, that they are in conformity with Sections 431 and 1409 of the General Code and that they are not in conflict with any statutory enactment or other provision of law.

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.

Respectfully,

JOHN W. BRICKER,
Attorney General.

894.

APPROVAL, LEASE FOR RIGHT TO INSERT PIPE INTO THE LEVEL
OF THE MIAMI AND ERIE CANAL—THE NEW YORK CENTRAL
RAILROAD COMPANY.

COLUMBUS, OHIO, May, 29, 1933.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a certain Water Lease Contract which has been executed by you in your official capacity to The New York Central Railroad Company as successor to The Toledo & Ohio Central Railroad Company. By this lease there is granted to The New York Central Railroad Company, for a term of ten (10) years, the right to insert a two inch (2") pipe into the level of the Miami and Erie Canal above Lock No. 14 at St. Marys, Ohio, and to take water therefrom for the purpose of supplying the locomotive tanks of the railroad company.

As rental for the water used, the lessee is to pay to the State, the sum of \$96.00 payable in semi-annual installments on the first days of May and November of each year during the term of the lease.

Upon examination of this lease, I find that the same has been executed by The New York Central Railroad Company, successor to The Toledo & Ohio

Central Railroad Company, by the hand of one R. S. Lippincott, Land and Tax Agent of the lessee company, and that the lease has been approved as to form by W. N. King, General Attorney of The New York Central Railroad Company. In this situation and by reason of the additional fact that prior leases for this purpose have been executed on behalf of the railroad company by R. S. Lippincott, and the railroad company has acted upon such leases and has availed itself of the benefits of the same, I am quite clearly of the view that the authority of R. S. Lippincott to execute this lease on behalf of the lessee above named is established. I am of the opinion therefore, that this lease has been executed in the manner required by law.

Upon consideration of the provisions of this lease and of the conditions and restrictions therein contained, I find the same to be in conformity with Sections 431 and 1409 of the General Code, and that they are not in conflict with any statutory enactment or other provision of law.

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.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

895.

OHIO LIQUOR CONTROL COMMISSION—MAY REVOKE PERMITS WITHOUT NOTICE AND HEARING—MAY NOT ISSUE BLANKET PERMITS TO RAILROAD FOR DINING CAR—MAY NOT ISSUE PERMIT FOR LESS THAN YEAR—PERMIT REVOCABLE FOR FALSE STATEMENTS—BEER FOR MEDICINAL PURPOSES IN HOSPITAL PERMIT NOT REQUIRED.

SYLLABUS:

1. *The Ohio Liquor Control Commission can revoke permits for any of the causes enumerated in the Ackerman-Lawrence Bill without giving permit holders notice and an opportunity to be heard.*

2. *The Ohio Liquor Control Commission has no authority to issue blanket class D permits to railroad companies so as to enable such common carriers to sell and serve beer to passengers in any and all of the dining cars that may be used and operated by such common carriers in and through Ohio. In order to sell beer on dining cars, it will be necessary for railroad companies to take out a class D permit for each separate diner used and operated in and through Ohio.*

3. *The Ohio Liquor Control Commission, under section 11 of Amended, Substitute Senate Bill No. 346, has no authority to issue permits for less than one year.*

4. *The Ohio Liquor Control Commission has the power to revoke a permit because of false statements made in the application for such permit.*

5. *Under the Ackerman-Lawrence Bill, a hospital is not required to take out a permit in order, in good faith, to supply its patients with beer for medicinal purposes on the advice of the physicians of the patients.*