

liquors, as prescribed in the section, while Permit C-2a authorized a permit holder "to sell prepared and bottled highballs, cocktails, cordials and other mixed beverages manufactured and distributed by holders of A-4 and B-4 permits, in accordance with the terms of the section. Under this section as then enacted, the fee for a C-2 permit was \$50.00, as was the fee for a C-2a permit.

As pointed out above, the 93rd General Assembly abolished C-2a permits and in the re-enactment of the section under consideration provided that the holder of a C-2 permit might also sell and distribute "prepared and bottled highballs, cocktails, cordials and other mixed beverages," as provided in such section.

From the legislative history of Section 6064-15, *supra*, and the wording of the amendment by the 93rd General Assembly, it seems to me quite clear that it was the intention of the Legislature to add to the holder of C-2 permits additional privileges and that these privileges inured to the then existing C-2 permit holders, as well as to those who obtained such permits after the effective date of the act. And this conclusion is strengthened by the language used in the act of May 23, 1935 (116 v. 511), where in changing the privileges of holders of B-2 permits the Legislature expressly and specifically provided that the act changing such provisions should not apply until January 1, 1936, to holders of B-2 permits issued prior to May 1, 1935.

In view of the foregoing, and in specific answer to your question, it is my opinion that C-2 permits, as authorized by Section 6064-15, General Code, as amended by the 93rd General Assembly in Amended Substitute Senate Bill No. 74, issued prior to the effective date of the statute, *viz.*, June 6, 1939, carry all the privileges defined under said Sections 6064-15, General Code, as so amended.

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*

1559.

BONDS—WASHINGTON C. H., CITY SCHOOL DISTRICT,  
FAYETTE COUNTY, \$8,000.00.

COLUMBUS, OHIO, December 12, 1939.

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

GENTLEMEN :

RE: Bonds of Washington C. H., City School District, Fayette County, Ohio, \$8,000.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise all of an issue of bonds

issued for the purpose of acquiring real estate and completing, equipping and furnishing a fireproof school building, in the aggregate amount of \$8,000, dated October 15, 1939, and bearing interest at the rate of 3% per annum.

From this examination, in the light of the law under authority of which the above bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute valid and legal obligations of said city school district.

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*

1560.

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AGREEMENT—STATE WITH NEW YORK CENTRAL AND ST. LOUIS RAILROAD COMPANY AND VILLAGE OF NORTH KINGSVILLE, SEPARATION OF GRADES OVER TRACKS ON S. H. 2, EASTEDGE, NORTH KINGSVILLE, ASHTABULA COUNTY.

COLUMBUS, OHIO, December 12, 1939.

HON. ROBERT S. BEIGHTLER, *Director Department of Highways, Columbus, Ohio.*

DEAR SIR: You have submitted for my consideration a form of agreement by and between the New York Central and St. Louis Railroad Company, the Village of North Kingsville and the State of Ohio concerning the separation of grades over the tracks of the above mentioned company on State Highway No. 2 at the East edge of North Kingsville, Ashtabula County, Ohio.

After an examination, it is my opinion that said proposed agreement is in proper legal form and when duly executed will constitute a binding contract.

Said proposed agreement is returned herewith.

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*