

been revoked because of a conviction of the permit holder or his agent or employe of violating the penal provisions of the act.

2. The Department of Liquor Control has discretionary power in the issuance of permits and is authorized to prescribe reasonable requirements from applicants for permits. It is reasonable, and in keeping with the policy as disclosed by the legislature in the enactment of the Liquor Control Act, to refuse the issuance of a permit to a person whose permit has been revoked because of a conviction of the permit holder, his agent or employe, of violating the penal provisions of the Liquor Control Act.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5840.

APPROVAL—TRANSCRIPT OF PROCEEDINGS, SALE, ABANDONED CANAL LANDS AT LANCASTER, OHIO—LULA E. CARMON, LANCASTER, OHIO.

COLUMBUS, OHIO, July 15, 1936.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a transcript of your proceedings as Superintendent of Public Works and as Director of said Department, relating to the sale of a parcel of abandoned Hocking Canal lands to one Lula E. Carmon of Lancaster, Ohio.

The parcel of land here in question is Marginal Tract No. 7, as the same is designated on the plat of marginal lands prepared as provided for by House Bill No. 417, 114 O. L., page 536, and copies of which plat have been filed with the Governor, the Superintendent of Public Works and the Mayor of the city of Lancaster, Ohio, as required by said act; said Marginal Tract No. 7 being more particularly described by metes and bounds as follows:

Beginning at the point of intersection of the southerly line of the alley between lots Nos. 214 and 215, in the city of Lancaster, and the northeasterly line of said canal property, and running thence westerly with the southerly line produced of said alley, forty-eight and four-tenths (48.4') feet, to the easterly line of the sixty-six (66') foot highway, as established by the

the city of Lancaster, under authority of the House Bill No. 417, as passed by the 89th General Assembly of Ohio; thence southeasterly with said easterly line of said sixty-six foot highway, one hundred forty-two and five-tenths (142.5') feet, to the line produced between lots Nos. 213 and 214; thence northeasterly with said line between lots Nos. 213 and 214 produced, twenty-two and eighty-five hundredths (22.85') feet to the said northeasterly line of said canal property; thence northwesterly with the said northeasterly line of said canal property, one hundred fifteen (115') feet, more or less, to the place of beginning, and containing forty-four hundred (4400) square feet, more or less, appraised at Four Hundred (\$400.00) Dollars.

As above indicated, the sale of the above described marginal tract of land is under the authority of House Bill No. 417, enacted by the 89th General Assembly, and which as enacted was carried into the General Code by designation of the Attorney General as sections 14152-16 to 14152-30, inclusive. This act, among other things, provided for the abandonment of that portion of the Hocking Canal, including the full width of the bed and banks thereof, situated within the corporate limits of the city of Lancaster, Ohio, and for the use of a part of said abandoned canal by the city of Lancaster for street sewerage, drainage and public park purposes. This act further provided for the appraisal and subsequent sale of marginal tracts or parcels of such abandoned canal lands which were not needed or used by the city of Lancaster for any of the purposes stated in the act and which remained after the improvements contemplated in the act were completed by said city.

This act conferred upon the owners of lands abutting upon said several marginal strips of surplus canal lands a prior right with respect to the purchase of the same at the appraised valuation thereof when determined by the appraisers appointed as provided for in this act. Although there is no finding or other recital to this effect in the transcript of your proceedings relating to the sale of this property, I am advised that Lula E. Carmon, the purchaser of the property, is now the owner of property which abuts upon the marginal tract above described.

Inasmuch as it appears from the transcript of your proceedings that this property is being sold to Lula E. Carmon, as the present owner of abutting property, at the appraised valuation of this tract of land, no reason is seen why your proceedings relating to the sale of this property should not be approved by me. I am accordingly, approving this sale and the transcript of your proceedings relating to the same, as is

evidenced by my approval endorsed upon the transcript and upon the duplicate copy thereof, both of which are herewith returned to you.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5841.

COUNTY COMMISSIONERS—UNAUTHORIZED TO ALLOW
CLAIMS FOR DAMAGES TO CHICKENS CAUSED BY
DOGS.

SYLLABUS:

County commissioners are unauthorized to allow a claim for damages for the injury or killing of chickens by a dog, under the provisions of sections 5840 et seq., General Code.

COLUMBUS, OHIO, July 15, 1936.

HON. G. L. SCHILLING, *Prosecuting Attorney, Wilmington, Ohio.*

DEAR SIR: This acknowledges receipt of your letter of recent date in which you request my opinion on the following:

“The Clinton County commissioners have requested from my office an opinion relative to a claim made to them for the payment of the loss of eighty (80) chickens occasioned by the attack of a dog.

Section 5840 provides for compensation for the loss or injury to horses, sheep, cattle, swine, mules and goats, but omits domestic fowl.

The opinion of my office to the Board of County Commissioners was to the effect that they must necessarily decline the claim for the payment of the loss of said domestic fowl in view of the fact that Section 5840 omits domestic fowl.

And furthermore in view of the fact that laws governing boards of county commissioners, and other similar boards, must be strictly construed, and the powers of said boards are limited to the provisions of the statute.

Will you kindly advise me if your interpretation of the law relative to this question agrees with my interpretation?”