

tion, I do not feel that I have any discretion to do otherwise than to approve your findings, which I do, as is evidenced by my approval endorsed upon the resolution and the copies thereof, which are attached to your findings and made a part of the proceedings in this matter. I am herewith returning to you all of the files which you submitted to me.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

2850.

APPROVAL—PETITION CONTAINING A PROPOSED AMENDMENT TO
 THE CONSTITUTION.

COLUMBUS, OHIO, June 23, 1934.

MR. CLARENCE D. LAYLIN, *Attorney at Law*, 16 East Broad St., Columbus, Ohio.

DEAR SIR:—You have submitted for my examination a written petition, signed by 100 qualified electors of this state, containing proposed amendments to the Constitution and a summary of the same under the provisions of Section 4785-175. General Code.

It is proposed to amend Article 12 of the Constitution of Ohio by adding thereto Sections 5a and 5b which shall read as follows:

“Sec. 5a. Motor vehicles, registered by the owner thereof, upon the use of which on the public highways a license tax is imposed and paid, shall not be taxed in the same year as property, and the revenue derived from such license taxes shall be applied only for public thoroughfare purposes, including the control and protection of traffic thereon, and shall not be diverted, by transfer of funds or otherwise, to any other object.”

* * * * *

“Sec. 5b. Excise taxes imposed upon the receipt, storage, use, disposition or purchase of fuel suitable for use in propelling motor vehicles, or upon any two or more of the same, shall be measured by a specific sum for each unit of quantity, which shall not exceed three cents per gallon, shall be applied only for public thoroughfare purposes, including the control and protection of traffic thereon, and shall not be diverted, by transfer of funds or otherwise, to any other object.”

The summaries of these amendments read as follows:

“Article XII, section 5a, would prohibit the taxation as property of motor vehicles on which license taxes have been imposed and paid, and would restrict the use of such license taxes to public thoroughfare and related purposes.”

“Article XII, section 5b, would require motor vehicle fuel excise taxes to be measured by a sum for each gallon or other like unit, would limit the amount thereof to three cents per gallon, and would restrict the use of such excise taxes to public thoroughfare and related purposes.”

I am of the opinion that the foregoing are fair and truthful statements of the proposed constitutional amendments and accordingly submit, for uses provided by law, the following certification:

"Pursuant to the duties imposed upon me, under the provisions of Section 4785-175, General Code, I hereby certify that the foregoing summaries are fair and truthful statements of the proposed amendments to the constitution by the addition to Article 12 of Sections 5a and 5b. John W. Bricker, Attorney General."

Respectfully,
 JOHN W. BRICKER,
Attorney General.

2851.

APPROVAL—PROCEEDINGS RELATING TO APPLICATION MADE BY
 CRANE & MacMAHON, INC., OF ST. MARYS, OHIO, FOR THE CAN-
 CELLATION OF A WATER LEASE.

COLUMBUS, OHIO, June 23, 1934.

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

DEAR SIR:—This is to acknowledge the receipt of your recent communication with which you enclose for my examination and approval a finding made by you upon an application filed with you by Crane & MacMahon, Inc., of St. Marys, Ohio, for the cancellation of a water lease executed to this corporation under date of November 29, 1932. By the lease here in question, which is one for a term of five years and which provides for an annual rental of \$216.00, said lessee therein named was given the right to insert a three-inch pipe into the water level of the Miami and Erie Canal next above Lock No. 12 in the City of St. Marys, Ohio, and to take water therefrom for steam-making purposes.

The application for the cancellation of this lease was filed with you under the authority of House Bill No. 467, 115 O. L., 512. This act provides, among other things, that if at any time any lessee of the State of Ohio can no longer economically use the canal lands or the water or both leased to them by the State of Ohio, such lessee or lessees may file with the Superintendent of Public Works or the Conservation Commissioner, as the case may be, a sworn statement of facts pertaining to such lease, setting forth the reasons why such lease cannot be used any longer by them, and requesting the cancellation of such lease. This act by the further provisions thereof requires the officer with whom such application is filed to make an investigation of the facts pertaining to such lease and, subject to the approval of the Governor and Attorney General, authorizes such officer to cancel the lease if upon such investigation he finds the facts stated in the application to be true. The reason assigned by this lessee for the requested cancellation of this lease is that since the execution of the lease said lessee has drilled on its own premises a well which supplies the water needed by it for