

3929.

APPROVAL, CORRECTED ABSTRACT OF TITLE, ETC., RELATING TO
PROPOSED PURCHASE OF LAND IN HANOVER TOWNSHIP, ASHTA-
BULA COUNTY, OHIO—LUCAS STATE BANK.

COLUMBUS, OHIO, February 9, 1935.

HON. CARL E. STEEB, *Secretary, Board of Control, Ohio Agricultural Experiment
Station, Columbus, Ohio.*

DEAR SIR:—There have been submitted to me for my examination and approval a corrected abstract of title, warranty deed, contract encumbrance record No. 23 and Controlling Board certificate relating to the proposed purchase of a tract of land which is situated in Hanover Township, Ashtabula County, Ohio. This tract of land is the west part of the northeast quarter of Section number 7, Township number 19, and Range number 16, Ohio River Survey, and is more particularly described by metes and bounds as follows, to wit:

Commencing for the same at the center of said section; thence along the west boundary line of the northeast quarter of said section number 7 a distance of 41.50 chains to the northeast corner of said quarter section; thence along the north boundary line of said quarter section South 86 degrees 25 minutes East, a distance of 10.20 chains to the center of the Clear Fork Creek; thence down said creek along the *aqua filium* thereof South 25 degrees 30 minutes West, a distance of 5.98 chains; thence South 5 degrees 15 minutes East, a distance of 4.10 chains; thence South 10 degrees 12 minutes East, a distance of 5.23 chains; thence South 27 degrees 18 minutes East, a distance of 6.68 chains; thence South 22 degrees 15 minutes East, a distance of 3.84 chains; thence South 33 degrees 50 minutes East, a distance of 9.17 chains; thence South 32 degrees 10 minutes East, a distance of 10 chains; thence South 47 degrees 50 minutes East, a distance of 2.70 chains to a point on the South boundary of the aforesaid quarter section; thence along said boundary line North 87 degrees 25 minutes West a distance of 28.40 chains to the place of beginning. Containing 62.2 acres of land.

Upon examination of the corrected abstract of title of the above described tract of land, which corrected abstract of title is certified by the abstractor under date of January 23, 1935, I find that The Lucas State Bank has a good and indefeasible fee simple title to this property free and clear of all liens and encumbrances except two pipe line easements granted by one Charles T. Zedy, then the owner of this property, to the Ohio Fuel Supply Company and the Buckeye Pipe Line Company. These easements and the maintenance by said companies of their pipe lines thereunder probably will not in any wise interfere with the use which the Ohio Agricultural Experiment Station intends to make of these premises. The title of The Lucas State Bank, as shown by the corrected abstract of title submitted, is approved.

Upon examination of the warranty deed tendered by The Lucas State Bank I find that said deed has been properly executed in the name of The Lucas State Bank by the hands of John A. Tucker, Vice President, and John C. Eby, Cashier, pursuant to the authority of the Board of Directors of said bank, and that the execution of said deed has been properly acknowledged by the above named officers of the bank. I further find, upon examination of the provisions of the deed, that the form of the same is such that it is legally sufficient to convey the above described property to the

state of Ohio by fee simple title with a covenant of warranty that this property is free and clear of all encumbrances whatsoever. Said warranty deed is accordingly hereby approved by me.

Upon examination of contract encumbrance record No. 23, which has been submitted as a part of the files relating to the purchase of the above described tract of land, I find that this instrument has been properly executed and that there is shown to be a sufficient unencumbered balance in the appropriation account to pay the purchase price of this property, which purchase price is the sum of \$1200.00.

It further appears, from a recital contained in said contract encumbrance record, as well as from the certification from the Controlling Board, that the purchase of this property has been approved by the Controlling Board and that it has released from the appropriation account the money necessary to pay the purchase price of the property in the amount above stated.

I am herewith returning, with my approval, said corrected abstract of title, warranty deed, contract encumbrance record No. 23 and Controlling Board certificate.

Respectfully,

JOHN W. BRICKER,
Attorney General.

3930.

LIQUOR CONTROL ACT — "CONTRACT CARRIER" DEFINED AS USED THEREIN—H PERMITS MAY BE ISSUED ONLY TO COMMON AND CONTRACT CARRIERS.

SYLLABUS:

The term "contract carrier" as used in sections 6064-1 and 6064-15, General Code, means any person not a public or common carrier, engaged in the business of transporting for hire beer or intoxicating liquor, and does not include within its term manufacturers or wholesale distributors of beer who transport and deliver their own products to their customers by their own trucks as an incident in the sale of such beverages. Under sections 6064-1 and 6064-15, General Code, the Department of Liquor Control can issue H permits to common and contract carriers only, and the Department has no authority to issue an H permit to a manufacturer of beer who delivers or transports such beverage by his own motor vehicles to his customers.

COLUMBUS, OHIO, February 9, 1935.

HON. WELLINGTON T. LEONARD, *Chairman, Board of Liquor Control, Columbus, Ohio.*

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

"The Board of Liquor Control respectfully requests the opinion of the Attorney General as to whether or not the term 'contract carrier' as used in Section 1 of the Liquor Control Act includes brewers, manufacturers or importers of beer, intoxicating liquor or alcohol when such liquor, alcohol or beer is transported in trucks or other vehicles owned by the said manufacturer, brewer or importer. The Board is particularly interested in having your opinion in connection with transportation into Ohio by brewers and manufacturers located outside the State of Ohio."