

any appellate district of the state," in my opinion warrants the General Assembly, in the exercise of the power and authority expressly conferred, in transferring a judge from the old to the new district, such as is contemplated by House Bill No. 117. *A fortiori* is this true when the constitution contains no provision clearly forbidding such transfer.

The only constitutional limitation on the power conferred upon the General Assembly in this connection is contained in the further provision of section 6, Article IV, that "no such change shall abridge the term of any judge then in office." House Bill No. 117 recognizes this constitutional limitation on the legislative power by expressly providing therein that the judge of the present eighth district who is transferred to the new ninth district "shall serve the balance of his term as such judge as a member of the ninth court of appeals."

You are therefore advised that the General Assembly in the exercise of its power to alter the number and boundaries of appellate districts, may transfer one of the judges to the new district, as provided for in House Bill No. 117, and that the bill in its present form does not abridge the term of office of such judge.

Respectfully,

JOHN G. PRICE,

Attorney-General.

1896.

APPROVAL OF SYNOPSIS OF PROPOSED AMENDMENT TO OHIO
CONSTITUTION RELATIVE TO MUNICIPAL CORPORATIONS
TAKING OVER FOR PUBLIC USE ANY BUILDING, FACTORY, ETC.

COLUMBUS, OHIO, March 8, 1921.

MR. JOSEPH W. SHARTS, *Attorney at Law, Dayton, Ohio.*

DEAR SIR:—Your letter of March 3, 1921, enclosing proposed synopsis of the proposed amendment to the Ohio constitution to be designated "Section 1b of Article I," was duly received, and I am returning herewith my certificate as provided for in section 5175-29e of the General Code, to-wit:

The contents and purpose of the proposed amendment are as follows:

Any municipality may by ordinance declaring a public exigency to exist by reason of widespread unemployment take for public use immediately and without its action being subject to referendum, any building, factory, machinery, power plant, or other means of production, including land, within the limits of said municipality, which by said ordinance is declared to be idle or to be employed for a private use detrimental to the public welfare; and such municipality may thereafter make such use of such property so taken as it may by ordinance declare to be necessary for the public welfare during such public exigency, including the establishment of co-operative industries, and without interference by the process of any court. Such property may thereafter be restored to private ownership by an ordinance declaring such public exigency to have ceased. Compensation may thereafter be made to the owner, if taken for only temporary public use, as a rental based upon the physical valuation of such property; and if the municipality shall by ordinance declare such property to be permanently needed for public use, compensation therefor may at

the option of the municipality be paid either in annual installments for a period within fifty years or in larger amounts as such ordinance shall declare. Bonds may be issued by the municipality for securing funds both for operating such industries and compensating the owner; such bonds may be a lien against only the property so acquired or against all or any other property of the municipality, and shall not be included in any limitation of the bonded indebtedness of such municipality prescribed by law. None of the restrictions of Article XVIII, section 4, of the constitution shall affect this section with regard to the product or service to be supplied by such industries; and it shall be liberally construed in order that municipalities may have wide discretion and immediate power for dealing with such exigency.

I, John G. Price, Attorney-General of the state of Ohio, do hereby certify that the foregoing is a fair and impartial synopsis of the proposed amendment to the Ohio constitution to be designated "Section 1b, Article I" and is a truthful statement of the contents and purpose of such proposed amendment.

Respectfully,

JOHN G. PRICE,
Attorney-General.

1897.

BOARD OF PARK COMMISSIONERS—POWERS AND DUTIES NOT IN CONFLICT WITH THOSE OF BOARD OF PARK TRUSTEES—FUNDS DERIVED FROM SALE OF GRAVEL FROM PARK PROPERTY, HOW USED—SAID BOARD HAS CONTROL OF WATER COURSES WITHIN MUNICIPALITY CONTAINED WITHIN SUCH PARK PROPERTY.

1. *Powers and duties of board of park commissioners as provided by section 4057 G. C. not in conflict with similar powers and duties of boards of park trustees as provided by section 4072 G. C. since said boards have management and control of different classes of park properties and funds.*

2. *A fund derived from the sale of gravel from park property, donated and dedicated to the city, and controlled by the board of park commissioners, may be used and expended as other and similar "park funds" for lawful purposes of said park property, provided that said use or expenditure is not contrary to the terms of the devise, bequest, or trust, by which said park property was acquired by the municipality.*

3. *Board of park commissioners in accordance with the provisions of sections 4057 G. C. and 4325 G. C. have the power of management and control of water courses within the municipality contained within such park property.*

COLUMBUS, OHIO, March 9, 1921.

The Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—Receipt is acknowledged of your communication of recent date in which you enclose copy of letter received from the city solicitor of Canton, Ohio, reading as follows:

"I would appreciate your aid in determining a question which we have up with respect to the power and authority of the board of park commissioners.