

In examining the map submitted, it will be observed that only a very small portion of said feeder at any part can be said to be taking a due westerly course. As stated in your communication, there is a portion which it is contemplated to be dredged which runs in a northeasterly and southwesterly direction. As hereinbefore indicated, so far as that particular portion is concerned it could be properly stated that the right hand side of the feeder, to one traveling from the source to the lake, would become the easterly side. However, the general direction of the entire feeder would indicate that the legislature intended that the left hand side, to one traveling from its source to the lake, is to be regarded as the eastern side.

In view of the foregoing it may well be argued that all of the sand and mud dredged from the feeder should be placed upon the same side of the stream, which is to be regarded as east in view of the general direction. It is believed that this conclusion could well be sustained as being the intent of the legislature. On the other hand, in view of the fact that there are portions of said feeder contemplated to be dredged, which, technically speaking, are exceptions to the general rule, and, in so far as these exceptions exist, it could properly be contended that the sand and mud could be placed upon the opposite side.

As to those portions of the stream where both banks need strengthening, there would seem to be no question as to your authority to incidentally place some material on the west, as well as on the east, side. In other words, the purpose of this appropriation is to make the feeder useful for the purposes for which it was constructed; to dredge it in a manner that would weaken one of its banks and probably destroy its usefulness to the damage of the adjoining land owners, would be a ridiculous interpretation. Therefore, in so far as it becomes necessary to the preservation of the feeder in connection with its dredging to strengthen one of the banks by the use of the material taken therefrom, it is believed that by implication such power exists.

The same reasoning may be applied to those instances wherein in order successfully to dispose of waste material it becomes necessary to utilize both sides of the feeder. In arriving at the legislative intent in a given enactment, the purpose to be accomplished by such enactment should be taken into consideration. As hereinbefore indicated, undoubtedly the purpose of this appropriation is to make the feeder in question useful for the purpose of supplying Buckeye Lake with the necessary water to maintain the lake level. The requirement that the sand and mud shall be placed on the east side of the stream is general in its terms and it is believed that a technical construction with reference to this matter is neither justified nor required in view of the conflicting facts presented, but that a reasonable interpretation of the act as a whole is all that is required.

In view of the foregoing, it is believed that a more specific answer to your inquiry is unnecessary.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2342.

APPROVAL, BONDS OF MEIGS COUNTY, OHIO—\$5,000.00.

COLUMBUS, OHIO, September 15, 1930.

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