

1991.

APPROVAL, BONDS OF CITY OF YOUNGSTOWN, OHIO, IN AMOUNT OF \$450,000 FOR BRIDGE BUILDING.

COLUMBUS, OHIO, April 9, 1921.

Industrial Commission of Ohio, Columbus, Ohio.

1992.

PARTITION FENCE—TOWNSHIP TRUSTEES HAVE AUTHORITY TO DETERMINE PROPORTIONATE SHARE EACH LAND OWNER IS REQUIRED TO BUILD AND MAINTAIN—SEE SECTION 5910 G. C.—HOW TO COMPUTE SUCH PROPORTION.

Township trustees, under the provisions of section 5910 G. C., have authority to determine the proportionate share each land owner is required to build and maintain of the partition fence required by the provisions of section 5908 G. C. and in arriving at such finding any method or basis may be used by said trustees to compute such proportion, provided such method assigns to adjacent owners an equal share of the labor and expense of the construction and repair of such fence.

COLUMBUS, OHIO, April 9, 1921.

HON. J. F. VANDENBROEK, *Prosecuting Attorney, Napoleon, Ohio.*

DEAR SIR:—Acknowledgment is made of the receipt of your letter of recent date requesting the opinion of this department, as follows:

“Under section 5910 General Code, when a person neglects to build or repair a partition fence, or the portion thereof which he is required to build or maintain, the aggrieved person may complain to the trustees of the township in which such land or fence is located. Such trustees, after not less than ten days’ written notice to all adjoining land owners of the time and place of meeting, shall view the fence or premises where such fence is to be built, and assign, in writing, to each person his equal share thereof, to be constructed or kept in repair by him so as to be good and substantial.

A. and B. are adjoining land owners and the owners of a fence between the respective adjoining lands. A. presents to the trustees of the township, in writing, a complaint relative to a portion of the fence, asking a partition thereof. The one portion of both lands abuts the river and in high water time destroys the lower portion of the fence.

QUERIES.

1. Could a fair proportionate be made of this fence in regard to the maintenance thereof?
2. Under the aforesaid section of the statute, can the total expenditure of the entire fence be proportioned equally among A. and B.?”

Section 5908 G. C. provides: