

public, and not as neighbors or licensees, or otherwise in their individual capacity, they should be of any defined number. The acceptance of land for a public highway, the use of which would actually be limited to the summer time and to foot travel, is effectively shown by its use by pedestrians during the summer. While no dedication will be presumed from user alone unless the user has been so long and so general that the public convenience would be materially affected by its interruption, no such requirement applies strictly as to user which constitutes the acceptance of a dedication otherwise established, it being only necessary that those who would naturally be expected to enjoy it do, or have done so, at their pleasure and convenience."

Speaking with respect to the uncertainty in the earlier decisions with respect to the kind and nature of acceptance of a dedication necessary to establish a public highway, Elliott, in *Roads and Streets*, Vol. I, Section 170, says:

"This uncertainty is, in some respects at least, removed by the later authorities, and it may now be considered as the prevailing opinion that an acceptance may be implied from a general and long continued use by the public as of right. This seems clearly to be the better and prevailing rule as against the dedicator in ordinary cases."

In the case of *Gleason vs. Cleveland*, 49 O. S. 431, the Supreme Court of this state recognized the principle that a donation or dedication of lands for public purposes could be made to the public generally as distinguished from any political subdivision in which such lands might be located. This case was one involving lands donated or dedicated for the purpose of a public park in the city of Cleveland. The same principle, however, would apply in the case of the donation or dedication of lands to the general public for highway purposes; and I am of the opinion that the proposed roadway here in question may be established by any affirmative and unequivocal action on the part of the bridge company dedicating this roadway to the public for purposes of public travel, and by the acceptance thereof by the public in using the same for general public travel thereon. The classification of the public road so established will be governed by the provisions of Section 7464 and other related sections of the General Code, above discussed.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2119.

APPROVAL, BONDS OF MONTGOMERY COUNTY—\$15,000.00.

COLUMBUS, OHIO, May 18, 1928.

Industrial Commission of Ohio, Columbus, Ohio.