

legislative act recently enacted and approved by the Governor on April 16, 1923, all sections of the General Code from 6442 to 6535, inclusive, have been repealed, and as the act has been passed as an Emergency Measure, the new ditch laws replacing the foregoing sections are now in force.

In the foregoing case, decided by the Supreme Court, it was held that:

"Sections 6452 and 6469 G. C. as amended in 108 O. L., Part I, 935 and 945, and section 6452 G. C., as amended in 109 O. L., 224, in so far as the legislature therein attempted to authorize the levying of assessments in excess of special benefits, violates the provision of section 19, Article I of the Constitution of Ohio, 'private property shall ever be held inviolate,' and to that extent are void."

As this finding permits any one sought to be assessed for a ditch improvement under the former ditch laws, to attack the assessments made against his property, it seems to me that it would not be advisable to purchase bonds that may be so liable to attack by the parties who are supposed to pay the same.

It is probably true that the obligations may be binding against the county, but the transcript furnished provides a primary obligation against the properties affected for the improvement, and under the decision of the court, the assessments may be attacked and litigation is most probable.

For these reasons, I cannot approve bonds issued under the former ditch laws, and therefore advise the Industrial Commission not to purchase the same.

Respectfully,

C. C. CRABBE,

Attorney General.

358.

APPROVAL, BONDS OF CITY OF BELLAIRE, BELMONT COUNTY,
\$20,000.00, TO PAY CITY'S PORTION OF STREET IMPROVEMENT.

COLUMBUS, OHIO, May 19, 1923.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

359.

APPROVAL, BONDS OF VILLAGE OF HAMLER, HENRY COUNTY,
\$4,200.00, STREET IMPROVEMENTS.

COLUMBUS, OHIO, May 21, 1923.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.