

2583.

DITCHES—TOWNSHIP—COUNTY COMMISSIONERS HAVE CONTROL
OF—EXCEPTIONS NOTED—OPINION NO. 1362 APPROVED AND
FOLLOWED.

SYLLABUS:

The county commissioners are vested with sole authority in regard to the constructing, cleaning and repair of township ditches, except that the township trustees have authority under the provisions of Section 6603, General Code, to improve a township ditch or drain within the limitations contained in said section.

COLUMBUS, OHIO, September 17, 1928.

HON. CARL Z. GARLAND, *Prosecuting Attorney, Batavia, Ohio.*

DEAR SIR:—This will acknowledge your letter dated September 13th, 1928, which reads as follows:

“The County Commissioners have requested me to secure your opinion on the following matter relative to so-called county ditches.

Are all township ditches and drains now under the control and supervision of the County Commissioners, to the extent that they are required by law to clean and to supervise the cleaning of such ditches?”

The question which you present was answered in a recent opinion of this office addressed to Prosecuting Attorney of Brown County, Ohio, which opinion appears in Vol. IV, Opinions, Attorney General for 1927, at pages 2483, the syllabus of which reads as follows:

“1. The county commissioners are vested with sole authority in regard to the constructing, cleaning and repair of township ditches, except that the township trustees have authority under the provisions of Section 6603, General Code, to improve a township ditch or drain within the limitations contained in said section.

2. When a petition is filed under the provisions of Section 6603, General Code, it is the mandatory duty of the township trustees to proceed under said section.”

I am enclosing herewith a copy of this opinion.

Respectfully,

EDWARD C. TURNER,
Attorney General.

2584.

CIGARETTES—LICENSE—DEFINITION OF WHOLESALE AND RETAIL
DEALERS—OPINIONS REVIEWED.

SYLLABUS:

1. *Opinions of the Attorney General on the wholesale and retail traffic in cigarettes reviewed.*

2. *Where a person, firm or corporation has filed with the county auditor the statement required by Section 5897, General Code, and paid the fifty dollar fee as a retail dealer*