

1869.

APPROVAL, BONDS OF CITY OF NEWARK, OHIO, IN AMOUNT OF  
\$20,000.00 FOR BRIDGE CONSTRUCTION.

COLUMBUS, OHIO, February 21, 1921.

*Industrial Commission of Ohio, Columbus, Ohio.*

1870.

DISAPPROVAL, BONDS OF AUGLAIZE COUNTY, OHIO, IN AMOUNT  
OF \$17,500.00 FOR CONSTRUCTION OF DITCHES.

COLUMBUS, OHIO, February 21, 1921.

*Industrial Commission of Ohio, Columbus, Ohio.*

Re: Bonds of Auglaize county in the amount of \$17,500 in anticipation of the collection of assessments for the construction of ditches, as follows:

Barber joint ditch, 2 bonds.....	\$900 each
Evans ditch, 2 bonds.....	1100 each
Hatfield ditch, 4 bonds.....	800 each
Price ditch, 2 bonds.....	950 each
St. Johns ditch, 2 bonds.....	500 each
Clear Creek ditch, 4 bonds.....	1850 each

GENTLEMEN:—I have examined the transcripts of proceedings relating to the above bond issues, six in number. The proceedings set out in four of the transcripts relate to single county ditches and those in the other two transcripts relate to joint county ditches. All of the proceedings were had and conducted under the provisions of the Codified and Consolidated Ditch Law enacted by the legislature June 19, 1919. (108 O. L., p. 926.)

An examination of the provisions of this law suggests, to say the least, grave doubts with respect to its constitutionality and for this reason aside from other defects in the transcripts submitted, I advise the rejection of the bonds by the Industrial Commission. Without attempting any exhaustive analysis of the provisions of this law, I desire to note only those provisions which are pertinent to a consideration of the question at hand.

Section 1 of the Act provides that the words "benefit" and "benefits", as used therein in directing the assessment of lands therefor, shall be deemed to cover any advantage to the owner of the land or lands by reason of the improvement either by making the same more healthful or increasing the productivity or value thereof to him, or by reclamation and increase of market value adding to the taxable value for the purpose of public taxation or increasing the healthfulness of the vicinity.

Section 2 of the Act provides that the petition for the ditch improvement shall, among other things, set forth the necessity and believed benefits and also the names of the persons, corporations, public or private, who will in any way be benefited or damaged by the improvement.