

ditions prescribed exclusive of each other, any one of which, if properly fulfilled, will qualify the petition for your favorable consideration.

1st, if the petition contains as proper and valid signers 51% of the resident land owners who own at least 35% of all the land within the district; 2^d, if the petition contains as valid legal signers 35% of the resident land owners who own 51% of all the land within the district; or 3^d, if the petition contains as legal and valid signers any owners of land within the district who own 60% of all the land within the district; then, and in any one of such cases, the petition should command your favorable consideration, providing of course that you find that the improvements proposed for would, if accomplished, constitute a public utility.

By this Sir: Kind and able assistance of our County Treasurer, J.C. Thomson; I examined the land record of this County carefully, as pertaining to the land within this benefit district, and the persons who were the legal or equitable owners of said land as described are qualified in Section I of the statute referred to as who were such owners at the time of the filing of the petition. I find that the 265 resident land owners of land within the benefit district referred to as so defined by the statute, and I further find that the petition contains 120 proper legal and valid resident owners of land within the district as qualified and defined by the statute, or as will be immediately seen by simple mathematics, there are signed to the petition the names of 45.26% of the resident land owners signed to the petition. This number is insufficient to comply with the first condition set out in the statute, but is sufficient to comply with the second condition, providing these signers at the time of the filing of the petition owned 51% of all the land within the district.

Now, upon further examination, I find that there are 36,541.16 acres of land in the district, and upon careful examination of the petition and the records I find that there are resident land owners signing the petition who own 17,021.59 acres in the district. Again, a simple computation made from these figures show that the signers to the petition owned but 46.57% of the land within the district. Thus, you will see that the second condition of the statute is not legally met.

Upon further examination, I find that in addition to the names of the owners who at the time of the filing of the petition owned 17,516.12 acres of land in the district. As above stated, the total acreage in the district is 36,541.16. Again, a simple process of percentage will show that there are signers properly signed to the petition as aforesaid who owned 47.93% of the land within the district, said signers being con-