

considered without regard to their place of residence. Now, when the signers are so considered, the statute says that the signers to the petition must own at least 60% of the land within the district, but it is immediately seen that the petition does not meet the requirement of the law as set out in the third condition above referred to.

My conclusion, therefore, is obvious. I must advise you that the petition does not conform to the law and cannot be favorably considered by your board. I must further advise that you are not authorized to take any further steps or expend any money toward the construction of the improvements proposed for.

Inasmuch as the matter is of ~~great~~ vast public importance, and upon your request for further consideration of the petition filed September 12, 1917, asking for the improvement of a portion of the Fort to Fort Highway in what is known as Benefit District No. 1, I advise first that of course the provisions and interpretations of the law as above given will apply to this petition as well as to the petition respecting Benefit District No. 2, just considered. I do not deem it necessary to go into as great detail for the reason that, upon examination, I find that this petition complies with the law in respect to the first condition as set out in the statute, that is, the petition contains as legal and valid signers 58 3/4 % of the resident land owners owning 41.51 % of the land in the district. Since the petition thus complies with one of the alternative conditions of the statute it is entitled to your favorable consideration, providing of course you find that the improvements asked for when accomplished will constitute a public utility.

You have been heretofore advised by me that this petition complies with the statute with respect to legal form and contents of the petition itself, but I therefore give no opinion on this matter at this time, but adhere, of course, to my former statements in this regard.

Respectfully submitted this 28th day of February - 1918.

J. B. Wilson, County Attorney.

Claims against the County were presented, audited and allowed, for which see Allowance Record.