

the 89th General Assembly, 114 O. L., 541, providing for the abandonment for canal purposes of that portion of the Ohio Canal and of lateral canals and feeders connected therewith lying within Tuscarawas, Coshoc-ton and Muskingum Counties, Ohio.

I am accordingly approving this lease as to legality and form, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

JOHN W. BRICKER,
Attorney General.

6152.

SCHOOLS—QUESTION OF CENTRALIZATION MAY BE SUBMITTED TO ELECTORS OF DISTRICT AS IT NOW EXISTS—DISREGARDING PREVIOUS TRANSFER OF TERRITORY FROM DISTRICT.

SYLLABUS:

By authority of Section 4726, General Code, the question of centralization of schools within a rural school district may be submitted to the electors of the district as it exists at the time the question is submitted, without regard to the fact that certain territory had, a short time before, been transferred from the district.

COLUMBUS, OHIO, October 5, 1936.

HON. WARD C. CROSS, *Prosecuting Attorney, Jefferson, Ohio.*

DEAR SIR: This will acknowledge receipt of your request for my opinion, which reads as follows:

“A portion of Monroe Township Rural School District was transferred by the county board of education under a reorganization plan in accordance with the new School Foundation Law, to Kingsville Township Rural School District.

I have been requested for an opinion by the Monroe Township Rural School District Board of Education as to whether or not an election can be called by the board, submitting to the qualified electors of said rural school district (that is, the remaining portion of the Monroe Township Rural School District), the question of the centralization of the remaining portion of such district.

My question is: Whether or not the question of centralization can be submitted to the qualified electors of the now existing Monroe Township Rural School District, or whether the matter must be voted upon by the qualified electors of the entire township."

I gather from your inquiry that the plan of organization adopted by the Board of Education of the Ashtabula County School District in 1936, under and in pursuance of Sections 7600-1 et seq., General Code, provided for the taking of certain territory of the then existing Monroe Township Rural School District in Ashtabula County, and attaching it to the Kingsville District. After the adopting of this plan of organization, the said territory of the Monroe Township District was transferred to the Kingsville District by authority of Section 4692, General Code, in conformity with the plan of organization so adopted.

Although you do not state the date of this transfer, I assume that the transfer has been completed, and that the Monroe Township Rural School District as now constituted, consists of that portion of the former Monroe Township District which was left after a portion of this territory was attached to the Kingsville District. The Monroe Township District as now constituted, is a complete district, and a political subdivision of the state.

The law provides for submitting the question of centralization of schools in a rural school district. Section 4726, General Code, reads as follows:

"A rural board of education may submit the question of centralization, and, upon the petition of not less than one-fourth of the qualified electors of such rural district, or upon the order of the county board of education, must submit such question to the vote of the qualified electors of such rural district at a general election or a special election called for that purpose. If more votes are cast in favor of centralization than against it, at such election, such rural board of education shall proceed at once to the centralization of the schools of the rural district, and, if necessary, purchase a site or sites and erect a suitable building or buildings thereon. If, at such election, more votes are cast against the proposition of centralization than for it, the question shall not again be submitted to the electors of such rural district for a period of two years, except upon the petition of at least forty per cent of the electors of such district."

Under the terms of the above statute, the question of centralization may be submitted to the electors in a rural school district, and by virtue

of this section the question of centralization may now be submitted to the qualified electors of the Monroe Township Rural School District as it now exists. Under this statute, no authority exists for permitting anyone to vote on the question of centralization of schools in a school district other than those residing in the district at the time the question is submitted.

I am therefore of the opinion, in specific answer to your question that the matter of the centralization of schools in the Monroe Township Rural School District may by authority of Section 4726, General Code, be submitted to the qualified electors of the now existing Monroe Township Rural School District, and that any electors now residing in the said school district as it now exists, will have the right to vote upon the question.

Respectfully,

JOHN W. BRICKER,
Attorney General.

6153.

APPROVAL—BONDS OF CITY OF TOLEDO, LUCAS COUNTY,
OHIO, \$2,000.00.

COLUMBUS, OHIO, October 5, 1936.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

6154:

APPROVAL—BONDS OF BEDFORD VILLAGE SCHOOL DIS-
TRICT, CUYAHOGA COUNTY, OHIO, \$10,000.00.

COLUMBUS, OHIO, October 5, 1936.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

6155.

APPROVAL—BONDS OF CITY OF CLEVELAND, CUYAHOGA
COUNTY, OHIO, \$10,000.00.

COLUMBUS, OHIO, October 5, 1936.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.