

its real property, it would have not only specifically provided for such power by including it in Section 4749, *supra*, but it would also have provided how such real property could be leased, and how the leases of such property should be executed, as it did in the cases of sale, and would have included the power to lease in Section 4752, General Code, by providing that such property would be leased by the board of education upon a motion to adopt a resolution authorizing the making of such lease as in the case of sale of real property. It was so held by a former Attorney General in Opinions of the Attorney General for the year 1913, Vol. II, page 1508.

In *Weir vs. Day*, 35 O. S. 143, it was held, as disclosed by the first branch of the syllabus :

“Under the act of May 1, 1873, entitled ‘an act for the reorganization and maintenance of common schools’ (70 Ohio L. 195), boards of education are invested with the title to the property of their respective districts in trust for the use of public schools, and the appropriation of such property to any other use is unauthorized.”

It was also held by a former Attorney General that real estate owned by a board of education could not be leased for oil or gas purposes. Opinions, Attorney General, 1918, Vol. II, page 1352.

Provision is made for the leasing of school and ministerial lands, that is, state school and ministerial lands, but that authority does not cover the property which is held by local boards of education.

It seems to be the universal rule followed by the courts of Ohio, that school property cannot be used for other than strictly school purposes, unless specific authority to the contrary is granted by statute. To this end the Legislature made provision in Sections 7622-1 and 7622-1a that schoolhouses might be used as recreation centers and for civic, social and grange meeting places, and for political meetings.

The general power of township trustees to acquire a place for storage of road equipment will include power to lease a garage from any person duly authorized to lease it.

However, because of lack of authority on the part of the board of education to permit such use, it naturally follows that township trustees should not erect a garage upon school board property.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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907.

APPROVAL, BONDS OF CITY OF WILMINGTON, CLINTON COUNTY—  
\$10,000.00.

COLUMBUS, OHIO, September 24, 1929.

*Industrial Commission of Ohio, Columbus, Ohio.*