the name and address of the licensee, and in case of firm and corporation licenses, those of each person named in the application who has passed the examination."

There is a general rule of law that an individual may, in the absence of statutory prohibition, adopt any name he chooses under which to carry on business. 20 A. L. R. 984; 19 R. C. L. 1333. I find no provisions in the statutes of Ohio which prohibit the use of a trade name by one doing business as a real estate broker, nor do the statutes relating to the licensing of real estate brokers prohibit the board of real estate examiners from issuing a license to an individual doing business under two trade names.

In specific answer to your inquiry, I am of the opinion that the state board of real estate examiners may issue a license to an individual doing business under two trade names.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2094.

SCHOOL DISTRICT—ALL TERRITORY TRANSFERRED TO OTHER DISTRICTS—MONEY ON DEPOSIT IN BANK PAYABLE TO DIFFERENT DISTRICTS WHEN A DIVISION OF FUNDS AND INDEBTEDNESS IS MADE BY THE COUNTY BOARD OF EDUCATION.

SYLLABUS:

1. *When all the territory of a school district is incorporated in another district or other school districts, by a county board of education acting by authority of either Section* 4692 *or Section* 4736 *of the General Code, an equitable division of the funds and indebtedness of the said school district should be made among the school districts receiving any of said territory and any district to which any of the indebtedness of the former district is allotted becomes responsible for the payment of said indebtedness.*

2. *A bank having on deposit the funds of a school district which has been abolished by reason of its entire territory having been transferred to or incorporated in another district or other districts, by authority of Sections* 4692 *or* 4736, *General Code, should honor the order of the county board of education for the payment of the funds comprising said deposit to the school district or districts to which the said funds are allotted by said county board of education in making an equitable division of said funds as directed by the statute.*

COLUMBUS, OHIO, July 15, 1930.

HON. ROY E. LAYTON, *Prosecuting Attorney, Wapakoneta, Ohio.*

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

"On or about March 15, 1930, the County Board of Education took the necessary legal steps to split up the Uniopolis Village School District in three ways, so that this district was entirely destroyed or wiped out. This district covered a large part of Union Township which contained no high school, so that it was practically a rural school district. One part was transferred to another rural school district and the other two parts were added to other school districts and two new school districts created. No remonstrance was filed and the legislation provided that this dissolution should take effect and

be complete on May 31, 1930. In the resolution of the County Board of Education, it was provided that the Board of Education of the Uniopolis School District should continue to function until school closed, pay all current bills, etc.

In the meanwhile, a majority of the Board of Education of said Village School District just quit (being somewhat peeved), failed and refused to pay the current bills before said final date, May 31, 1930. These bills amount to about $2,500.00 including the board's contribution to the Teacher's Retirement Fund, but most of them are for tuition to other districts. There is about $3,700.00 cash in the Treasury on deposit in a local bank. There are a few small outstanding bonds which, with the cash remaining after the bills are paid, the County Board of Education is ready to apportion among the new districts.

The County Board of Education is anxious to pay these current bills which, of course, should be paid promptly, but the local bank questions their authority to do so. The question is, therefore: Has not the County Board of Education full authority to go ahead, as the legal successor of said Village Board of Education now defunct, and pay and settle these current bills and issue the necessary warrants or checks on the funds on deposit in said local bank, and what is the proper form in which this should be done?"

It can not be said that the County Board of Education of Auglaize County School District is in any sense of the word a legal successor of the board of education of what was formerly Uniopolis Village School District, which district, by reason of its having been split up and its territory incorporated in other districts as of May 31, 1930, went out of existence at that time, assuming, of course, that the action of the county board of education in reapportioning the territory in what formerly was Uniopolis District, as stated in your letter, was regular in all respects.

Section 7610-1, General Code, reads in part, as follows:

"If the board of education in a district under the supervision of the county board of education fails to provide sufficient school privileges for all the youth of school age in the district, * * * or to elect a superintendent or teachers, or to pay their salaries, or to pay out any other school money, needed in school administration, * * * the county board of education of the county to which such district belongs, upon being advised and satisfied thereof, shall perform any and all such duties or acts, in the same manner as the board of education by this title is authorized to perform them. * *"

If the Board of Education of Uniopolis District had failed to perform its duty in the payment of the obligations of the district prior to May 31, 1930, the County Board of Education of Auglaize County School District would, by force of Section 7610-1, General Code, quoted above, have had authority to pay those obligations in the same manner as the Board of Education of the local district could authorize the payment. Inasmuch, however, as the Board of Education of Uniopolis District went out of existence on May 31, 1930, the county board would not now in my opinion be authorized to draw on the funds of the former district for the payment of its obligations merely because the former board of education had not performed its duty in that respect.

From your statement it appears that the county board of education acting by authority of either Section 4692 or 4736, General Code, or perhaps by authority of both these sections, transferred at least a part of the territory in what was formerly Uniopolis School District to other districts and created two new districts within which a part of this territory was incorporated.

By reference to Sections 4692 and 4736, General Code, it will be observed that when territory is transferred from one district to another, by authority of said Section 4692, General Code, and when new school districts are created from parts of other districts by authority of Section 4736, General Code, the county board of education so acting, shall equitably apportion the funds and indebtedness among the districts involved in the said rearrangement of school district boundaries.

It therefore became the duty of the County Board of Education of Auglaize County School District to apportion the funds and indebtedness of Uniopolis School District as they existed on May 31, 1930, among the several school districts which now contain any portion of the territory which was formerly Uniopolis School District. If the county board of education did not and has not made this apportionment it is not too late to do so.

When this apportionment is made, the bank holding deposits of the former Uniopolis School District should pay those deposits, upon the order of the county board of education, to the districts to which the moneys are allotted by the county board of education.

When these funds are properly apportioned and the obligations of the former district are also properly apportioned there will be no difficulty about who is authorized to pay the bills.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2095.

INCORPORATION—TERRITORY SURROUNDING SUMMER RESORT, ETC.—REQUIRED NUMBER OF PERSONS NEED NOT ALL BE ELECTORS—INCORPORATED TERRITORY BECOMES REGULAR VILLAGE.

SYLLABUS:

1. *In determining the number of inhabitants contained within territory immediately surrounding a summer resort, park, lake or picnic grounds, for purposes of incorporation of such territory in accordance with the provisions of Section* 3545, *General Cade, all persons residing in such territory should be counted, regardless of whether or not they are electors.*

2. *When territory is incorporated, by authority of Sections* 3545 *and* 3546, *General Code, the purport of such incorporation is to give to the territory so incorporated the status of a village as the same is defined by the Constitution and laws of Ohio, and for the purpose of the government of such territory as such village and of providing for such territory the required police protection, it is necessary to set up within the said territory the machinery of government as provided by the laws of Ohio for the government of a village.*

COLUMBUS, OHIO, July 16, 1930.

HON. R. L. THOMAS, *Prosecuting Attorney, Youngstown, Ohio.*

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

> "There are a few questions relative to the interpretation of Sections 3545 and 3546, General Code, which are not answered by Attorney General's opinion