

such grounds, no mortgage shall be given without the consent of such commissioners." (Italics the writer's.)

You will note that county agricultural societies which have been or may hereafter be organized are, by the terms of Section 9885, supra, declared to be bodies corporate and politic with such powers as are enumerated in said section. Specific authority is granted to such societies to "mortgage the grounds of the society for the purpose of renewing or extending preexisting debts, and for the purpose of furnishing money to purchase additional land."

In the letter, supra, it is stated that "the County Commissioners never have paid any money toward the purchase of the original site or additional land."

Such being the fact it is unnecessary that the consent of the county commissioners be obtained in order to mortgage such lands.

Answering your question specifically, under the provisions of Section 9885, General Code, the Tuscarawas County Agricultural Society has authority to mortgage its grounds for the purpose of renewing or extending pre-existing debts, and for the purpose of furnishing money to purchase additional land.

Respectfully,

EDWARD C. TURNER,
Attorney General.

1330.

SCHOOL DISTRICTS—CREATION OF SAME DISCUSSED.

SYLLABUS:

Upon the creation of a new village having a tax valuation of more than \$500,000, it thereby becomes a village school district, and all of the territory within the boundaries of the newly created village becomes a part of such village school district, whether or not a portion of this territory had formerly been a part of a rural school district of another county school district.

COLUMBUS, OHIO, December 5, 1927.

HON. J. L. CLIFTON, *Director of Education, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your recent communication, as follows:

"Your opinion is desired upon the following question:

Royalton Township, in Cuyahoga County, has incorporated as a village. Prior to this incorporation a portion of Royalton Township had been attached to the Brunswick, Medina County, School District. Does this territory still belong as a part of the Brunswick school or has the act of incorporation, which applies to the entire civil boundary of Royalton Township, automatically made this territory a part of the Royalton Village School District?

A second question is this: Strongsville school district in Cuyahoga County, has included a portion of Brunswick Township, Medina County, in its school district. Strongsville has now incorporated as a village. Does this act have any effect upon the portion of Brunswick Township which has heretofore been a part of the Strongsville school district?"

I am advised that before the incorporation of the villages of Royalton and Strongsville the Strongsville Rural School District comprised the entire township of Strongsville in Cuyahoga County, except a small portion in the southeast corner of said township which was a part of the Brunswick Township Rural School District, and also

included within its boundaries a small strip of contiguous territory of less than one square mile in area lying in the northwest corner of Brunswick Township in Medina County.

Royalton Rural School District was composed of the territory comprised in the entire township of Royalton in Cuyahoga County, except a small strip of territory of a square mile or less in area in the southwest corner of said township, which was attached to and was a part of Brunswick Township Rural School District. The larger portion in area of said Brunswick Township Rural School District which also has the larger tax duplicate, lies in Medina County and is therefore a district of the Medina County School District.

Strongsville Village as incorporated, comprised the entire civil township of Strongsville in Cuyahoga County, and Royalton Village comprised the entire civil township of Royalton in Cuyahoga County. Each of these villages has a tax valuation of more than \$500,000.

Section 4681, General Code, reads as follows:

Sec. 4681. "Each village, together with the territory attached to it for school purposes, and excluding the territory within its corporate limits detached for school purposes, and having in the district thus formed a total tax valuation of not less than five hundred thousand dollars, shall constitute a village school district."

Section 4687, General Code, reads in part as follows:

Sec. 4687. "Upon the creation of a village, it shall thereby become a village school district, as herein provided, and, if the territory of such village previous to its creation was included within the boundaries of a rural school district and such rural school district included more territory than is included within the village, such territory shall thereby be attached to such village school district for school purposes, provided such territory has an area of less than 16 square miles. * * *"

By the terms of Section 4681, supra, the village of Royalton, inasmuch as it has a tax valuation of more than \$500,000, is a village school district. Inasmuch as the corporate limits of said village include a very small strip of territory in the southwest corner of what was formerly the township of Royalton and which was formerly attached to the Brunswick Township Rural School District, this small strip of territory is now a part of Royalton Village School District and automatically becomes detached from the Brunswick Township Rural School District.

When the village of Strongsville was incorporated it likewise became a village school district, and inasmuch as the territory within its limits had formerly been a part of Strongsville Rural School District and the remaining portion of Strongsville Rural School District has an area of less than sixteen square miles, this remaining portion of what was formerly Strongsville Rural School District becomes attached to the Strongsville Village School District for school purposes, in accordance with the terms of Section 4687, supra. It also becomes a part of the Strongsville Village School District as defined by Section 4681, supra.

The fact that territory lying in two counties is involved in the composition of these several school districts makes no difference. The status of the territory involved is determined in accordance with the above Sections 4681 and 4687 of the General Code, regardless of whether or not portions of the territory comprising the districts lie in different county school districts.

Respectfully,

EDWARD C. TURNER,
Attorney General.