

1328.

APPROVAL, BONDS OF MADISON RURAL SCHOOL DISTRICT, LAKE COUNTY, OHIO—\$51,000.00.

COLUMBUS, OHIO, December 3, 1927.

The Industrial Commission of Ohio, Columbus, Ohio.

1329.

COUNTY AGRICULTURAL SOCIETY—MAY MORTGAGE GROUNDS—UNNECESSARY TO OBTAIN CONSENT OF COUNTY COMMISSIONERS.

SYLLABUS:

A county agricultural society, under the provisions of Section 9885, General Code, has authority to mortgage the grounds of the society for the purpose of renewing or extending pre-existing debts, and for the purpose of furnishing money to purchase additional land. It is unnecessary to obtain the consent of the board of county commissioners so to do unless such commissioners have paid money out of the county treasury to aid in the purchase of the site of such grounds.

COLUMBUS, OHIO, December 5, 1927.

HON. VIC DONAHEY, *Governor of Ohio, Columbus, Ohio.*

DEAR GOVERNOR:—This will acknowledge receipt of your letter dated November 30, 1927, requesting my opinion upon a matter presented in a letter which you enclose, which letter, so far as pertinent, reads as follows:

“We are writing you to obtain if possible an opinion, relative to a County Agricultural Society placing a mortgage upon its grounds.

The title to our grounds is in the name of the Tuscarawas County Agricultural Society, and the County Commissioners never have paid any money toward the purchase of the original site or additional land, but have given us several thousand dollars to help make improvements in the way of new buildings.

We would like to have an opinion from the Attorney General as to whether or not a mortgage can be placed upon the grounds, and if so under what conditions.”

Your attention is directed to Section 9885, General Code, which provides:

“County societies which have been, or may hereafter be organized, are declared bodies corporate and politic, and as such shall be capable of suing and being sued, and of holding in fee simple such real estate as they have heretofore purchased, or may hereafter purchase, as sites wherein to hold their fairs. *They may mortgage the grounds of the society for the purpose of renewing or extending pre-existing debts, and for the purpose of furnishing money to purchase additional land.* But if the county commissioners have paid money out of the county treasury to aid in the purchase of the site of

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