

is the limitation contained in that section providing for a remonstrance by a majority of the qualified electors residing in the territory affected by such order."

Answering your question specifically, I am of the opinion that the fact that the county board of education of Fulton County had created a new school district known as the Gorham-Fayette school district by combining what was formerly the Fayette school district with the Gorham school district does not preclude the said board of education from later creating a new school district from a portion of the territory included within the Gorham-Fayette school district, providing a remonstrance is not filed against such action as provided by law and providing further that the territory within the newly created district is contiguous and the territory remaining after the creation of the new district is also contiguous and the said board in the creation of the new district did not act arbitrarily, whimsically or unreasonably, fraudulently or in bad faith.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1012.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND IN VILLAGE OF
OXFORD, BUTLER COUNTY, OHIO.

COLUMBUS, OHIO, September 16, 1927.

HON. JOSEPH T. TRACY, *Auditor of State, Columbus, Ohio.*

DEAR SIR:—You have submitted an abstract of title prepared and certified by Paul Scudder of Hamilton, Ohio, under date of August 18, 1927, accompanied by a certified copy of a resolution of the board of trustees of Miami University adopted on June 10, 1927, and a deed executed by Fannie K. Laird, all pertaining to the following described premises:

Situate in the Village of Oxford, in the County of Butler and State of Ohio, and being a part of outlot No. 11, as the same is designated on the plat of said Village, and described as follows: Beginning at a point in the east line of said outlot, located fifty feet north from the center point of said east line; thence north with said east line seventy feet; thence west parallel with the north line of said outlot to the west line thereof, a distance of four hundred and twelve and one-half feet; thence south with said west line seventy feet and thence east parallel with said north line of said outlot a distance of four hundred and twelve and one-half feet to the east line thereof and to the place of beginning, excepting, however, that portion of said real estate conveyed by the grantor to the grantee by deed dated January 6, 1923, and recorded in Deed Record 241 at page 445 of the Records of Butler County, Ohio.

Subject to the payment of an annual ground rent of \$1.00, payable to the Treasurer of Miami University on the nineteenth day of May of each year.

The title to these premises as shown by the abstract of title in its present form can not be approved for the following reasons:

Under the terms of the will of John Garrod, probated August 18, 1866, property containing the tract under consideration was devised to his wife Harriet Garrod, to be enjoyed by her as long as she remained his widow; but in case the wife should again re-marry, the testator directed that her dower interest should be set off and assigned to her and the residue divided equally among his children, share and share alike. The abstract, without disclosing any disposition of her interest in the property, discloses that Walter J. Garrod and Susan Garrod, his wife, and Alfred W. Garrod, unmarried, transferred the undivided two-fourths interest in the property by deed dated December 15, 1890, to Orby F. Garrod and Robert J. Garrod.

By deed dated January 17, 1896, Orby F. Garrod and wife transferred the property to Richard M. Gard; but not until the execution of a deed on June 15, 1896, did Orby F. Garrod become possessed of the undivided half interest of his brother Robert J. Garrod. Richard M. Gard obtained legal title to Orby Garrod's half interest only under the deed of January 17, 1896, because, in so far as the abstract discloses, Orby Garrod did not become the owner of the other half interest until Robert Garrod executed his deed to Orby Garrod in June, 1896. Further information should be secured to show that Orby F. Garrod was seized of the undivided half of the premises in question conveyed to him by Robert J. Garrod on June 15, 1896, at the time he deeded the property to Richard M. Garrod, viz., January 17, 1896, if Orby F. Garrod were in fact so seized.

I herewith return the copy of the resolution of the board of trustees, the abstract and the deed.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1013.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENTS IN
WARREN COUNTY.

COLUMBUS, OHIO, September 16, 1927.

HON. GEORGE F. SCHLESINGER, *Director, Department of Highways and Public Works,*
Columbus, Ohio.

DEAR SIR:—I am in receipt of your letter of September 12, 1927, submitting for my approval certified copy of the following supplemental final resolution:

Columbus-Portsmouth Rd. I. C. H. No. 6.
Sec. N. Warren County.

Your attention is directed to the fact that the name of the auditor of Warren County does not appear in the body of said resolution. His name should be inserted inasmuch as the commissioners of the county certified that the auditor certified that