heretofore been known as a colored School District, has its geographical or attendance area practically identical with that of the Rose-Hill Minquadale School District #47 confusion will result and the taxables within the geographical area may theoretically be subjected to taxation in both School Districts. In further explanation of its action in including all taxables in its assessment list, the Rose-Hill Minquadale School District #47 emphasizes its efforts to comply with Constitutional requirements by its voluntary plan of desegregation which it has been carrying out.

[*Problems for Legislature*]

However, the various problems relating to the creation, change, merger or reorganization of School Districts is for the consideration of the Legislature. To the extent that districts may merge or change their boundaries in accordance with the procedures now provided in the School Code, particularly by Chapter 11, that can still be done. The factors showing the desirability of a general reorganization of the State's multitudinous School Districts must be directed to the General Assembly. As was pointed out by our Supreme Court in Steiner v. Simmons, 111 A.2d at 580, this is essentially a legislative task.

At the conferences between the parties above referred to, it appeared that the Rose-Hill Minquadale School District #47 has included "taxables" from the Dunleith area in the assessment list since 1951. The School District claims that the inclusion of these persons prior to July 1954 was unintentional; the "taxables" included, claim they were unaware they were paying school taxes to the District because of certain circumstances.

We give no opinion at this time with respect to this problem but call the attention of the parties to the case of Commissioners of Lewes v. Jester et al, 12 A.2d 229, Del. Chan. Sussex, (Nov. 1956), where the Court held that under the statutes and facts there involved, taxes, though erroneously paid, were not recoverable.

If we can be of any further assistance, please let us know.

Sincerely yours

s/ Herbert L. Cobin
Chief Deputy Attorney General

EDUCATION
School Funds—Virginia

The Attorney General of Virginia was asked whether public funds might validly be expended for the construction of school facilities designed for racially segregated use. The Attorney General answered that, on authority of *County School Bd. of Hanover County v. Shelton* [93 S.E.2d 469, 1 Race Rel. L. Rep. 666 (Va. 1956)], the expenditure would be valid.

COMMONWEALTH OF VIRGINIA
Office of
THE ATTORNEY GENERAL
Richmond

May 9, 1957

Honorable William A. Jones
Commonwealth's Attorney
Richmond County
Warsaw, Virginia

My dear Mr. Jones:

This is in reply to your letter of May 7, 1957, in which you state that the Board of Supervisors of Richmond County contemplates borrowing $110,000 from the Literary Fund and utilizing $50,000 from the Battle Fund for the construction of a consolidated Negro grade school for Richmond County. You request my opinion as to whether or not an expenditure of public funds for the construction of a consolidated Negro grade school would constitute an ultra vires and illegal act because of the decision of the Supreme Court of the United States in Brown v. Board of Education, 347 U.S. 483.

I am of the opinion that expenditures of public funds for this purpose would be a valid expenditure and would not constitute an ultra vires

and illegal act. I feel that the ruling of the Supreme Court of Appeals of Virginia in School Board v. Shelton, 198 Va. 226, supports my opinion on this matter, and, as of this time, the United States Supreme Court decision has no place in the determination of the validity of the expenditure of public funds for school construction.

With warm personal regards, I am

Very sincerely yours,
J. Lindsay Almond, Jr.
Attorney General

GOVERNMENTAL FACILITIES

Housing—Oregon

A bill (House Bill No. 647) has been proposed in the Oregon legislature which would, in part, prohibit discrimination on the basis of race, religion, color or national origin in housing "benefiting from public aid." The opinion of the state Attorney General was requested concerning the constitutionality of the proposed bill. The Attorney General replied that the proposed bill could be construed as being discriminatory class legislation, since it would affect only those persons receiving "public aid" in erecting housing, and might thus be held unconstitutional.

STATE OF OREGON
DEPARTMENT OF JUSTICE
SALEM

March 19, 1957
No. 3640

Honorable Don S. Willner
State Representative
Capitol Building

You request the opinion of this office on the constitutionality of House Bill No. 647 so far as it pertains to the prohibition of discrimination because of race, religion, color or national origin in certain housing. Specifically, you state:

> "The problem that concerns me particularly is whether the state of Oregon, even through a conciliation procedure, can validly draw the distinction between houses whose financing is guaranteed by F.H.A. and G.I. loans and houses which are not indirectly financed by Federal funds."

The proposed bill is for an act "Relating to civil rights; creating new provisions; and amending ORS 659.010, 659.050, 659.060, 659.080 and 659.100." Section 1 of the proposed bill provides that sections 2, 3, 4 and 6 of the act are added to and made a part of ORS 659.010 to 659.110.

ORS 659.020 (1) to which the portions of the act mentioned are added to and made a part of provides as follows:

"It is declared to be the public policy of Oregon that practices of discrimination against any of its inhabitants because of race, religion, color or national origin are a matter of state concern and that such discrimination threatens not only the rights and privileges of its inhabitants but menaces the institutions and foundation of a free democratic state."

Section 3 of the bill provides as follows:

"(1) No owner of a *housing unit* benefiting from *public aid* as defined in section 4 of this 1957 Act shall refuse to sell, lease or rent the *housing unit* to a prospective occupant or expel an occupant from the *housing unit* because of the race, color, religion or national origin of the occupant or prospective occupant.

"(2) No person shall incite or coerce an owner of a *housing unit* benefiting from *public aid* as defined in section 4 of this 1957 Act into refusing to sell, lease or rent the *housing unit* to a prospective occupant or expel an occupant from the *housing unit* because of the race, color, religion or national origin of the occupant or prospective occupant." (Emphasis supplied)

"Housing unit" is defined in section 2 of the proposed bill as follows:

"(2) 'Housing unit' means: