

War I or during World War II dating from December 7, 1941, or during the national emergency dating from June 27, 1950, and terminating December 31, 1953, * * *

is specifically made eligible to claim exemption by the aforesaid language of Eleventh (b). The statute clearly does not condition such widow's eligibility for veterans homestead exemption upon her late husband's being disabled when he served for three months or more.

The answer to question enumerated "2", consequently, is in the affirmative.

3. Is the unmarried widow of a soldier or sailor eligible for veterans homestead exemption if her late husband was honorably discharged because of a service-connected disability after having served less than three months during World War I, World War II or the Korean War, regardless of whether he actually received compensation for such disability?

By the very terms of Subdivision Eleventh (b), the unmarried widow of any soldier or sailor of World War I, World War II or the Korean War is eligible to claim the veterans homestead exemption if her late husband, having served less than three months, was discharged under honorable conditions because of a service-connected disability. The statute does not require that compensation for such service-connected disability actually be received.

The question enumerated "3" is, therefore, answered "Yes."

All of the answers to the foregoing questions assume that the unmarried widow meets the other qualifying tests to claim the veterans homestead exemption under Subdivision Eleventh, supra.

FRANK J. KELLEY,
Attorney General.

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SCHOOLS: Districts — Transfer of territory between.

INTERMEDIATE BOARD OF EDUCATION: Power to transfer territory between school districts separated by a river.

Two school districts separated by a river are contiguous to each other because adjoining owners on the river hold title to the bed of the river to the center of the stream. Intermediate Board of Education may transfer territory between two school districts separated by a river pursuant to authority vested by Sec. 461 of Act 269, P.A. 1955, as amended.

No. 4315

May 15, 1964.

Mr. William L. McManus
Prosecuting Attorney
St. Joseph County
Courthouse
Centreville, Michigan

You request my opinion on the following question:

Does a river separating two school districts destroy contiguity of school districts so as to preclude transfer of territory between the school districts under Sec. 461 of Act 269, P.A. 1955?

Act 269, P.A. 1955, as amended, being C.L.S. 1961 § 340.1 et seq.; M.S.A. 1959 Rev. Vol. § 15.3001 et seq., is known as the School Code of 1955.

Sec. 461 of the School Code of 1955, supra, authorizes the Intermediate Board of Education¹ to detach territory from one school district and to attach it to another when petitioned by 2/3 of the resident owners of the land to be transferred, or when so requested by resolution of the board of education of any school district whose boundaries would be affected by such transfer of territory. This section of the School Code of 1955 provides further in pertinent part:

“Only territory contiguous to a district may be transferred.”

The Attorney General has ruled in Opinion No. 3446, O.A.G. 1959-60, Vol II, page 42, that territory which touches a school district at any point, including at a corner, is contiguous to the school district so as to be subject to transfer under Sec. 461 of the School Code of 1955, supra.

The law appears to be well settled in Michigan that a conveyance of title to land adjoining a navigable river carries title to the bed of the river to the center of the stream. *Collins v. Gerhardt*, 237 Mich. 38 (1926). Such title to subaqueous lands beneath a navigable river is impressed with a public trust for boating and fishing by members of the public upon the river. *Kerley v. Wolfe*, 349 Mich. 350 (1957).

Under these authorities it is clear that when a river separates two school districts and the properties adjoining the river on each side thereof are in the respective school districts, the actual boundary between the school districts is in the center of that river in that the adjoining landowners on either side of the river hold title to the bed of the river to the center of the stream. It must follow that the boundary of the two school districts in question is at the center of the bed of the river as determined by a survey. So considered, the presence of the river does not destroy contiguity of the two school districts since the two districts meet and touch each other at the center of the bed of the stream.

Therefore, it is the opinion of the Attorney General that a river flowing between two school districts does not destroy the contiguity of the two school districts so as to preclude any transfer of property between the two districts under Sec. 461 of Act 269, P.A. 1955, as amended.

FRANK J. KELLEY,
Attorney General.

¹ While Sec. 461 of the School Code of 1955, supra, confers authority upon the county board of education to transfer territory between school districts, such power is now vested in the intermediate board of education, its lawful successor, pursuant to Sec. 292a of the School Code of 1955, added by Act 190, P.A. 1962.