

It will also be noted that section 11448 G. C., is as follows:

"If of opinion that it is proper for the jurors to have a view of property, the subject of litigation, or of a place where a material fact occurred, the court may order them to be conducted in a body *under the charge of an officer*, to such property or place, which shall be shown to them by a person appointed by the court for that purpose. While the jurors are thus absent, no person, other than the persons so appointed, shall speak to them on any subject connected with the trial."

Answering your inquiry it is my opinion that the Common Pleas Court, for good cause, may legally issue an order to his bailiff, who is not a deputy sheriff, to conduct a jury to a view of the place where a material fact occurred.

While we do not find any provision for the payment of the expenses in the above mentioned sections, yet we are inclined to the view that the actual expenses of conducting a jury to "such place" and return is a part of the incidental expense connected with the legal machinery in the administration of justice and the expenses thereof should therefore follow the general provision for expenses of jury, payable out of the county treasury in all those cases not otherwise specifically provided for.

Respectfully,
C. C. CRABBE,
Attorney General.

614.

NO AUTHORITY FOR PROCURING BURGLARY INSURANCE FOR OFFICE OF CLERK OF COURTS—SECTIONS 2872 AND 2874 G. C. CONSTRUED.

COLUMBUS, OHIO, July 27, 1923.

HON. OTHO L. MCKINNEY, *Prosecuting Attorney, Springfield, Ohio.*

SYLLABUS:

An examination of sections 2872 G. C., 2874 G. C. and others, pertaining to the office of Clerk of Courts, fails to disclose any statutory authority for the procuring of burglary insurance for said office, and the County Auditor therefore may not legally pay the premiums for same.

DEAR SIR:—This will acknowledge receipt of your letter requesting an opinion of this department as follows:

"The question has been presented to me whether the county auditor may legally pay the premiums on policies for burglary insurance in the clerk of the court's office. The money collected in the clerk's office after banking hours must remain in the safe over night until opening hours

of the bank the following day and the clerk feels that he needs some protection.

Section 2872 specifies that the county commissioners shall furnish among other things 'all things necessary for the prompt discharge of his (the clerk's) duty.' Section 2874 defines one of the duties to 'pay over to the proper party all moneys coming into his hands as clerk.'"

Section 2872 G. C. from which you quote in your letter is as follows:

"The county commissioners shall furnish the clerk all blank books, including the printed trial dockets, blanks, stationery, and all things necessary for the prompt discharge of his duty. The clerk may procure all such articles and upon his certificate shall be allowed therefor."

The court in construing the above section in *Printing Company v. Commissioners*, 8 N. P. 182, says:

"All the clerk has power to do under this section is to select such books and supplies as he may need; it is in the discretion of the county commissioners as to the amount to be paid therefor."

The above section evidently is intended to deal only with the equipment of the office of the clerk.

You also mention in your letter section 2874 G. C., which defines the general duties of the clerk of the court, and especially as it relates to his duty to "pay over to the proper party all the moneys coming into his hands as clerk."

Section 2908 G. C. provides for a penalty of not less than three hundred dollars nor more than five hundred dollars on the failure of the clerk to pay over to the proper party the "moneys which he is by law required to pay over."

Upon examination and consideration of the above mentioned sections and others pertaining to the office of the clerk of courts, we fail to find any express statutory authority for the payment by the county of the premiums on policies for burglary insurance for the office of the clerk of courts, and we therefore answer your inquiry in the negative.

Respectfully,

C. C. CRABBE,

Attorney General.

615.

APPROVAL, BONDS OF MONTVILLE TOWNSHIP RURAL SCHOOL DISTRICT, GEAUGA COUNTY, \$56,000.00, TO CONSTRUCT FIREPROOF SCHOOL BUILDING.

COLUMBUS, OHIO, July 26, 1923.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.