

object of a bankruptcy act, as far as concerns creditors, is to secure equal distribution from the proceeds of the assets stated. The trustee, therefore, stands in the shoes of the bankrupt but also represents all the creditors.

At the same time, it is optional with a trustee to accept or refuse to accept such assets as are of an onerous or unprofitable character, and he has a reasonable time to make his election. Although all property and rights of property are by operation of law transferred to and vested in the trustee, yet he is not bound in all cases to take possession of every part. If any of the property would be rather a burden than a benefit to the estate, the assignee may elect not to take such property, and in the case of his making such an election, the right remains in the bankrupt. 5 O. J. 153; see also *Buckingham vs. Buckingham*, 36 O. S. 68.

The views herein are to the effect that the assignment by the corporation is valid. The trustee declared that, as far as he is concerned, the policies are without value. Why does he then go through the motions of transferring his rights in property which he avers is valueless? This may be an added precaution on the part of the bank, but the reasoning here means that if the assignment be valid it is valid as between the corporation and the bank; hence the purported assignment by the trustee is superfluous and nugatory.

It is my opinion, therefore, that with the trustee in bankruptcy rejecting the policies as burdensome rather than asserting any claim to the cash value, the corporation, whose insurable interest does not cease with the bankruptcy, may transfer its rights to the bank, and that thereupon the bank would be entitled to collect at maturity the amount of its loan, with interest, plus any premium it had paid.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1150.

APPROVAL—BONDS OF STOW TOWNSHIP RURAL
SCHOOL DISTRICT, SUMMIT COUNTY, OHIO, \$25,000.00.

COLUMBUS, OHIO, September 13, 1937.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:

RE: Bonds of Stow Township Rural School Dist.,
Summit County, Ohio, \$25,000.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise part of an issue of high school bonds in the aggregate amount of \$100,000, dated April 1, 1921, bearing interest at the rate of 6% per annum.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute a valid and legal obligation of said school district.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1151.

APPROVAL — BONDS OF NILES CITY SCHOOL DISTRICT,
TRUMBULL COUNTY, OHIO, \$32,000.00.

COLUMBUS, OHIO, September 13, 1937.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN :

RE: Bonds of Niles City School Dist., Trumbull County,
Ohio, \$32,000.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise part of an issue of school bonds in the aggregate amount of \$55,000, dated October 1, 1921, bearing interest at the rate of 6% per annum.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute a valid and legal obligation of said school district.

Respectfully,

HERBERT S. DUFFY,
Attorney General.