

4137.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND C. E. MORROW, COLUMBUS, OHIO, FOR LABOR FOR EXTENSION AND IMPROVEMENT OF POWER PLANT AT OHIO PENITENTIARY AT AN EXPENDITURE OF \$1,380.00.

COLUMBUS, OHIO, March 8, 1932.

HON. JOHN MCSWEENEY, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a supplementary contract between the State of Ohio, acting by yourself, as Director of Public Welfare, and C. E. Morrow, Consulting Engineer of the Ohio State University, Columbus, Ohio, providing for all labor necessary for the supervision of installation of steam generating equipment, turbo generator, condenser, water treatment equipment and general piping in connection with Extension and Improvement of the Power Plant at the Ohio Penitentiary.

This contract is supplementary to that approved by this office in Opinion 3525, rendered August 28, 1931, and calls for an expenditure of Thirteen hundred and eighty dollars (\$1,380.00).

You have submitted encumbrance estimate No. 17, executed pursuant to Section 2288-2, General Code.

It is noted that the Controlling Board has released moneys for this contract.

Finding the contract in legal form, I hereby approve said contract and return to you all the papers submitted.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

4138.

BANK IN LIQUIDATION—SUPERINTENDENT OF BANKS UNAUTHORIZED TO WAIVE PRIORITY OF CLAIM DUE THE BANK IN FAVOR OF NEW LOAN.

*SYLLABUS:*

*When the Superintendent of Banks has taken possession of the property and business of a bank for the purpose of liquidation, he has no authority to enter into an agreement with a debtor of such bank so closed, agreeing to waive the priority of the sum due to the closed bank in favor of a new loan being advanced to the debtor for the purposes of operating expenses.*

COLUMBUS, OHIO, March 8, 1932.

HON. I. J. FULTON, *Superintendent of Banks, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your recent request for an opinion, which reads as follows: