

costs in trusteeship cases heard by the municipal court of Warren are identical to the costs which may be taxed by a justice of the peace. The amount of such costs is provided in section 11728-1, as follows:

“If application for a trustee be made to a justice of the peace, such justice may receive as full compensation for his services as justice of the peace therein, two per cent of the total amount of the debtor’s payment on claims as herein provided and may appoint any suitable person to act as trustee.”

This provision limits the justice of the peace fee to two percent of the total amount of the debtor’s payment on claims and, as explained above, the municipal court of Warren is likewise so limited. Section 1579-1473, supra, authorizes the municipal court of Warren to collect in advance “two (\$2.00) dollars of said costs.” In view of the fact that “said costs” may not exceed two per cent of the total amount of the debtor’s payment on claims, I am of the opinion that the two dollars collected in advance must be considered as part of the two percent and may not be collected in addition thereto.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

491.

CONTRACT — STATE WITH THE SMITH AND OBY COMPANY, HEATING AND MECHANICAL EQUIPMENT, HEATING PLANT ADDITION, KENT STATE UNIVERSITY, KENT, OHIO.

COLUMBUS, OHIO, April 27, 1939.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: You have submitted for my approval, the contract between the State of Ohio, acting by you as Director of the Department of Public Works for the Board of Trustees of Kent State University, Kent, Ohio, and the The Smith and Oby Company, an Ohio Corporation, for the construction and completion of Contract for Heating and Mechanical Equipment for a project known as P. W. A. Docket No. OH-1720-F, Senate Bill No. 457, Heating Plant Addition Kent State University, Kent, Ohio—1938 as set forth in Item No. 19, Heating and Mechanical Equipment for the Heating Plant Addition as specified and shown on the drawings for Base Bid No. 3 (including the Butler Stokers) and as per telegram of the Form of Proposal dated December 14, 1938, all according to

Plans and Specifications, which Plans, Specifications and Proposal and telegram are made a part of this Contract.

This contract calls for an expenditure of \$57,700.00.

You have submitted the following papers and documents in this connection; Contract encumbrance record No. 2269; Division of contract; Notice to bidders; Proof of publications; Form of Proposal dated December 14, 1938, containing the contract bond signed by St. Paul—Mercury Indemnity Company of Saint Paul, Minnesota, said company being a Delaware Corporation; its authority for the signers of the surety bond; its certificate of compliance with the insurance laws of Ohio, relating to surety companies; Workmen's Compensation Certificate showing a compliance with the laws relating to Workmen's Compensation Laws of Ohio; Tabulation of bids; Recommendation of State Architect; Copy of a resolution of the Building Committee of the Board of Trustees of Kent State University; Controlling Board's Release; Approval of P. W. A.; letter from Auditor of State of Ohio, showing that all necessary papers are on file in his office.

Finding said bond in proper legal form, I have noted my approval thereon, and said contract is transmitted herewith to you, together with all papers submitted in this connection.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

492.

CONTRACT—STATE WITH JAMES I. BARNES CONSTRUCTION COMPANY, GENERAL WORK, WOMEN'S DORMITORY, MIAMI UNIVERSITY, OXFORD, OHIO.

COLUMBUS, OHIO, April 27, 1939.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: You have submitted for my approval, the contract between the State of Ohio, acting by you as Director of the Department of Public Works for the Board of Trustees of Miami University, Oxford, Ohio, and James I. Barnes Construction Company, of Springfield, Ohio, for the construction and completion of Contract for General Work for a project known as Women's Dormitory, Miami University, Oxford, Ohio, as set forth in Item 1, General Contract for Women's Dormitory (exclusive of trunk-lift and dumb-waiters) of the Form of Proposal dated April 5, 1939, all according to Plans and Specifications, which Plans and Specifications and Proposal are made a part of this Contract. This contract calls for an expenditure of \$282,400.00.