

Upon examination of the provisions of this permit and of the conditions and restrictions therein contained, I find that the same are in conformity with the statutory provisions above noted and that they are such as have proper relation to a contract and agreement of this kind. I am accordingly approving this permit as is evidenced by my approval endorsed thereon and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

489.

CONTRACT—STATE WITH MARVIN ELECTRIC COMPANY,
ELECTRICAL WORK, HEATING PLANT ADDITION, KENT
STATE UNIVERSITY, KENT, OHIO.

COLUMBUS, OHIO, April 26, 1939.

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

DEAR SIR: You have submitted for approval, a contract between the State of Ohio, acting through you as Director of the Department of Public Works for the Board of Trustees of Kent State University, Kent, Ohio, and the Marvin Electric Company, a partnership composed of H. L. Marvin and E. D. Marvin, of New Castle, Pennsylvania, for the construction and completion of Contract for Electrical Work 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. 21, Electrical Work and Fixtures for the Heating Plant Addition as specified and shown on the drawings for base bid of the Form of Proposal dated December 14, 1938. This contract calls for an expenditure of \$2,945.00.

You have submitted the following papers and documents in this connection; Form of Proposal dated December 14, 1938 containing the contract bond signed by The Aetna Casualty and Surety Company of Hartford, Connecticut, as surety; its power of attorney for the signer; the certificate of compliance from the Division of Insurance, showing a compliance with the laws of Ohio relating to surety companies; estimate of cost; notice to bidders; proof of publication; division of contract; Workmen's Compensation Certificate, showing a compliance with the laws of Ohio relating to Workmen's Compensation; Controlling Board's release; P.W.A. approval; contract encumbrance record No. 2271; Copy of resolution of the Building Committee of the Board of Trustees of Kent State

University on the matter of awarding contracts; Recommendations of the State Architect; letter from the Auditor of State, showing that all necessary papers are on file in his office; tabulation of bids; and letter from the Secretary of State, certifying that a process agent has been appointed for the Marvin Electric Company in the State of Ohio.

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

Yours very truly,

THOMAS J. HERBERT,
Attorney General.

490.

MUNICIPAL COURT—JUDGE—MANDATORY TO APPOINT CLERK OF SAID COURT TRUSTEE WHERE APPLICATION MADE FOR BENEFIT OF CREDITORS—TRUSTEESHIP ACCOUNTS—SECTION 11728-1, G. C.—STATUS WHERE PERSON NOT CLERK OF SAID COURT APPOINTED—COSTS—BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES—MAY EXAMINE AND AUDIT SUCH ACCOUNTS AND MAKE FINDINGS—JUSTICE OF PEACE—CITY OF WARREN.

SYLLABUS:

1. *Under the provisions of Section 11728-1, General Code, whenever an application for appointment of a trustee for the benefit of creditors is made to a judge of the municipal court, it is mandatory that the judge designate the clerk of said court to act as trustee.*

2. *In the event a municipal judge appoints as trustee a person other than the clerk of municipal court, such person may not deduct any sum of money from the trusteeship accounts as compensation for services rendered.*

3. *The Bureau of Inspection and Supervision of Public Offices may examine and audit these trusteeship accounts and render findings for illegal fees or compensation deducted and retained by such appointees.*

4. *The two dollars collected by the municipal court of Warren, upon the filing of an application for the appointment of a trustee for the benefit of creditors, must be considered as part of the two percent permitted to be charged as costs in such cases and may not be collected in addition thereto.*

COLUMBUS, OHIO, April 27, 1939.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN: This will acknowledge receipt of your request for my opinion, which reads as follows: