persons, but of course each case must be considered on its merits, and the trustee must be allowed a reasonable discretion in his decisions. I can conceive of cases where the surroundings of an indigent family might be such that it would be inexcusable neglect for the trustee, as overseer of the poor, to refuse payment of a water bill. This would depend upon the housing, the sanitary arrangements, the number in the family, and other conditions in the case. That part of the statute which allows the water bill, under certain conditions, to be charged to the public health account, is an acknowledgment of the fact that there are cases where the use of water from a public water system is necessary, not only for the health of the indigent family, but for the community where the family resides.

It is my opinion, therefore, that while a trustee may not arbitrarily decline to pay or assume a bill for water service which the statute authorizes him to pay, the duty is not a mandatory one.

PUBLIC SAFETY, DIVISION OF: Safety glass—Use of indoors, windows and windshields of motor vehicles.

June 11, 1936.

Hon. Don F. Stiver, Director,
Department of Public Safety,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter calling attention to Chapter 41 of the Acts of 1935, entitled "An Act concerning the use of safety glass in the doors, windows and windshields of motor vehicles, and prescribing penalties for the violation thereof." Section 1 of said Act provides as follows:

"That on and after January 1, 1936, and except as hereinafter otherwise provided, it shall be unlawful to operate, on any public highway or street in this state, any motor vehicle which is registered in the State of Indiana and which shall have been manufactured or assembled on or after January 1, 1936, unless such motor vehicle be equipped with safety glass wherever glass is used in doors, windows and windshields."
You submit the question as to whether it is compulsory for the owner of a motor vehicle manufactured or assembled after January 1, 1936, in case of replacement of broken glass to make such replacement with safety glass. The statute goes to the question of operation, and I think the operation of such a vehicle on the public highways unless the replacement is made with safety glass, would be a violation of the statute unless it comes within the limited class excepted from the provisions of the Act by Section 2.

FIRE MARSHAL DEPARTMENT: Arson cases—Power of court to suspend sentence.

June 13, 1936.

Honorable Archie McCabe,
Director of Arson,
Fire Marshal Department,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter requesting an opinion, which is as follows:

"Attached is a copy of our investigator's report on the above fire made at the time of investigation. Following is a summary of the case to date:

"On February 8, 1933, Mr. Hindel filed an affidavit against Mike Kozakovitch charging him with First Degree Arson. His bond was fixed at $5,000 and he was released on February 10, 1933. On April 17-18, 1933, the evidence was heard by a jury—Judge William Murray presiding. He was found guilty of Arson and sentence was pronounced on April 19, 1933. A motion was filed for a new trial. On May 24, 1933, the Court overruled the motion for a new trial. On May 26, 1933, the Court sentenced Mike Kozakovitch to the Indiana State Prison for a term of two to fourteen years and admitted him to bail pending his appeal to the Supreme Court. He was released under $5,000 bond. On October 30, 1935, the evidence in this case was heard by the jury and no errors were found. Judge Hughes