

2587.

SENATE BILL NO. 212 (SECTION 6212-37 G. C.) CONSTRUED—ATTORNEYS, DETECTIVES, OR SECRET SERVICE OFFICERS MAY BE HIRED FOR A DEFINITE TERM AT A FIXED COMPENSATION.

SYLLABUS:

Under amended section, 6212-37 of the General Code (S. B. 212) the term of "attorneys, detectives or secret service officers" may be fixed at one day or other definite term, and their compensation fixed at an amount per day, week, month or whatever other definite term for which they are employed.

COLUMBUS, OHIO, June 23, 1925.

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

GENTLEMEN:—This will acknowledge receipt of your letter of recent date, as follows:

"Senate bill No.212 (Mr. Bender) amended sections 6212-37 G. C., as follows:

"The council of any city or village may appropriate the necessary funds, for the purpose of hiring attorneys, detectives, or secret service officers to secure the enforcement of the prohibition laws. The appointment of attorneys, detectives or secret service officers shall be for a definite term at a definite salary and not on a percentage basis."

"Question 1. May the compensation of attorneys, detectives and secret service officers employed for the purpose of enforcing the prohibition laws be fixed at an amount per day to become effective after the effective date of senate bill No. 212?"

"Question 2. May council designate a day as the term of employment of such attorneys, detectives, and secret service officers, in view of the provisions of said senate bill No. 212?"

"The bureau is submitting these questions for the reason that the semi-annual appropriation ordinances must be prepared during the current month and the provisions of the Bender bill must be considered at such time."

The legislature, in amended section 6212-37 of the General Code, has used the words "definite term" without fixing the term, but have left the fixing of the term to the councils.

The object of the bill apparently is to avoid the splitting of fines with detectives, secret service officers and attorneys as had been customary since said section 6212-37 of the General Code was originally enacted. "Term" as applied to time is defined in 38 Cyc. page 184, as:

"A fixed period; a determined or prescribed duration; the time for which anything lasts; any limited time."

In 13 Cyc. page 262, we find "day" defined as:

"A period of time, consisting of twenty-four hours."

In the case of *State ex rel. Hayes vs. Twitchell*, 38 Pac., 134, the court referred to "term" as a "fixed period of time."

It is my opinion, therefore, that under amended section 6212-37 of the General Code (S. B. 212) the term of "attorneys, detectives, or secret service officers" may be fixed at one day or other definite term, and their compensation fixed at an amount per day, week, month or whatever other definite term for which they are employed.

Respectfully,

C. C. CRABBE,
Attorney General.

2588.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE L. L. LE VEQUE COMPANY, OF COLUMBUS, OHIO, FOR CONTRACT FOR COMPLETE INSTALLATION OF ELEVATOR ENCLOSURES ON FIRST SEVEN STORIES OF WYANDOTTE BUILDING, COLUMBUS, OHIO, AT COST OF \$9,800.00. SURETY BOND EXECUTED BY THE AETNA CASUALTY AND SURETY COMPANY.

COLUMBUS, OHIO, June 23, 1925.

HON. L. A. BOULAY, *Director, Department of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the state of Ohio, acting by the department of highways and public works, and The L. L. Le Veque Company, of Columbus, Ohio. This contract covers the contract for complete installation of elevator enclosures on first seven stories of Wyandotte building, Columbus, Ohio, and calls for an expenditure of \$9,800.

You have submitted the certificate of the director of finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. There has further been submitted a contract bond upon which the Aetna Casualty and Surety Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, and that notice to bidders was given as required by law, but that all bids were above the estimate; and that thereafter the same was advertised by two insertions, bids tabulated and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,

C. C. CRABBE,
Attorney General.