

the Kent State College, Kent, Ohio, and E. M. Carmell, of Columbus, Ohio. This contract covers the construction and completion of contract for combined plumbing, sewers and heating (exclusive of general and electrical work) for the remodeling of Administration Building of Kent State College, Kent, Ohio, according to Item No. 3, Item No. 27, Alternate No. 20; Item No. 29, Alternate No. 22; and Item No. 30, Alternate No. 23 of the Form of Proposal, dated August 15, 1930. Said contract calls for an expenditure of thirteen thousand, four hundred and seven dollars (\$13,407.00).

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. You have also furnished evidence to the effect that the Controlling Board has consented to the expenditure as required by Section 11 of House Bill No. 510 of the 88th General Assembly. In addition, you have submitted a contract bond upon which the Seaboard 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, notice to bidders was properly given, bids tabulated, as required by law, 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,
GILBERT BETTMAN,
Attorney General.

2396.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND KEASBEY AND MATTISON COMPANY, CINCINNATI, OHIO, FOR PIPE COVERING AND INSULATION IN A BUILDING KNOWN AS CENTRAL UNIT OF CHEMISTRY BUILDING, MIAMI UNIVERSITY, OXFORD, OHIO, AT AN EXPENDITURE OF \$1,129.00—SURETY BOND EXECUTED BY THE AMERICAN SURETY COMPANY.

COLUMBUS, OHIO, September 29, 1930.

HON. A. T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Board of Trustees, Miami University, Oxford, Ohio, and the Keasbey and Mattison Company, of Cincinnati, Ohio. This contract covers the construction and completion of contract for pipe covering and insulation in a building known as the Central Unit of Chemistry Building, Miami University, Oxford, Ohio, as set forth in Item No. 5 and Item No. 24 Alternate AB of the Form of Proposal dated June 23, 1930. Said contract calls for an expenditure of one thousand, one hundred and twenty-nine dollars (\$1,129.00).

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. You have also furnished evidence to the effect that the Controlling Board has consented to the expenditure as required by Section 2

of House Bill No. 513 and Section 11 of House Bill No. 510 of the 88th General Assembly. In addition, you have submitted a contract bond upon which the American 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, notice to bidders was properly given, bids tabulated as required by law, 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,
GILBERT BETTMAN,
Attorney General.

2397.

LEGAL SERVICES—PROCEEDINGS TO SELL PROPERTY OF INMATE OF INFIRMARY—PROSECUTING ATTORNEY MAY NOT BE PAID FOR SUCH SERVICE.

SYLLABUS:

A prosecuting attorney may not legally be paid funds for his services in connection with proceedings to sell the property of an inmate of an infirmary under the provisions of Section 2548, General Code.

COLUMBUS, OHIO, September 30, 1930.

HON. F. H. BUCKINGHAM, *Prosecuting Attorney, Fremont, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion which reads as follows:

“Under Section 2548 of the General Code of Ohio, an action was started in the Probate Court of Sandusky County by the Board of County Commissioners against an inmate of the county infirmary, asking for the sale of certain real estate owned by said defendant, and permission to apply the proceeds therefrom toward the maintenance and support of said inmate at the county infirmary.

Said real estate was sold according to law. In the Journal Entry approving and confirming the sale and ordering distribution, the Probate Court ordered said board to pay out of the funds realized from said sale certain items, among which was a fee to the undersigned as counsel for the Board of Commissioners.

I am not positive whether it is legal for me to accept this fee, and would appreciate your opinion as to whether or not this particular kind of service is included in the duties to be performed by the Prosecuting Attorney and covered by the compensation paid me as such officer.”

In considering your question, it will be observed that the rule that a public officer may not receive compensation other than that which is expressly provided by statute,