

such instructions, which, of course, is in accord with the advice that you state you have heretofore given to the clerk.

Your inquiry presents the further question as to what method should be adopted to guard against over-payment of the Law Library Association, in view of the fact that Courts of Common Pleas and Probate Courts both handle cases from which the fines arising may be distributed to the Law Library Association. Of course, this situation is no different from a legal standpoint now than before the law was amended, because the Law Library Association received funds from both sources prior to the amendment. There may be a practical distinction in many counties for the reason that now probably funds will be available and in many cases the Law Library Association may have the maximum amount, whereas under the original law probably in many instances there were not sufficient fines collected to enable the library to receive said maximum. In any event, it is purely a question of bookkeeping, and it is suggested that this would be a proper question to present to the Bureau of Inspection and Supervision of Public Offices, which has charge of the prescribing of necessary accounting systems. It may be stated, however, that the law contemplates such distribution to be made monthly, and at the end of a given month if the clerk of the Probate Court and the clerk of the Common Pleas Court would compare accounts and take into consideration the sum that had already been paid to the Library Association, it should not be difficult to guard against over-payment.

In view of the foregoing, and in specific answer to your inquiries, you are advised:

1. Under the provisions of Section 3056, General Code, as amended by the Eighty-eighth General Assembly, the Law Library Association is entitled to receive from the Probate Court and the Court of Common Pleas the sum of \$500.00 during any calendar year.
2. The method of keeping records to prevent over-payment by the clerks of such courts to the Law Library Association, is a proper question to present to the Bureau of Inspection and Supervision of Public Offices, which prescribes the accounting system for such offices.

Respectfully,  
 GILBERT BETTMAN,  
*Attorney General.*

1194.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND HOWELL AND THOMAS, CLEVELAND, OHIO, FOR ARCHITECTURAL SERVICES IN CONNECTION WITH LIBRARY BUILDING, OHIO UNIVERSITY, ATHENS, OHIO.

COLUMBUS, OHIO, November 14, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and opinion a contract between the State of Ohio, acting by and through the Department of Public Works, for and on behalf of the Board of Trustees of Ohio University, Athens, Ohio, and Howell and Thomas, of Cleveland, Ohio, for architectural services in connection with Library Building and Equipment at said university, and providing for compensation to the architect in an amount equal to five and one-half per cent (5½%) of the amount paid out by the State of Ohio under and on account of contracts entered into by the State for the construction of said improvement.

You have also submitted evidence showing that the Controlling Board has duly consented to and approved the expenditure of the amount appropriated, as required in Section 11 of House Bill No. 510, 88th General Assembly. You have further submitted an encumbrance estimate, bearing No. 4927 in the sum of \$17,875.00, and bearing the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated sufficient to pay the same.

Finding said contract in proper legal form, I have endorsed my approval thereon and hereby return the same to you, together with all other papers submitted in this connection.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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1195.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND FOSDICK AND HILMER, CINCINNATI, OHIO, FOR ARCHITECTURAL SERVICES IN CONNECTION WITH NEW WATER LINES AT OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME, XENIA, OHIO

COLUMBUS, OHIO, November 14, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and opinion a contract between the State of Ohio, acting by and through the Department of Public Works, for and on behalf of the Board of Trustees of the Ohio Soldiers' and Sailors' Orphans' Home, Xenia, Ohio, and Fosdick and Hilmer of Cincinnati, Ohio, for architectural services in connection with New Water Lines at said Home, and providing for compensation to the architect in an amount equal to five and a half per cent (5½%) of the amount paid out by the State of Ohio under and on account of contracts entered into by the State for the construction of said improvement.

You have also submitted evidence showing that the Controlling Board has duly consented to and approved the expenditure of \$35,000 of the amount appropriated, as required in Section 11 of House Bill No. 510, 88th General Assembly. You have further submitted an encumbrance estimate, bearing No. 5913, in the sum of \$1925.00, and bearing the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated sufficient to pay the same.

Finding said contract in proper legal form, I have endorsed my approval thereon and hereby return the same to you, together with all other papers submitted in this connection.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*