

tionary are—"to be true to the court and to his clients; to manage the business of his clients with care, skill and integrity." °

It is common knowledge that when the services of an attorney-at-law are engaged in a matter, generally the first action of such attorney, after investigation of the legal and equitable rights involved, is to propose a settlement in part or in full in order to avoid the costs of court litigation, and if such settlement is not forthcoming, he proceeds to a judicial determination of the matter.

Since the city solicitor is required to appear for the board of education in all civil actions brought by it, the proper procedure for him to have followed as its attorney in the instant case, and which procedure he did follow, was to consult with the surety companies, with a view to effecting a settlement or as a preliminary to court action. Such services, therefore, would be included in the ordinary duties of a city solicitor as attorney for such board of education, and consequently compensation for such services in addition to that fixed according to law could not and cannot be allowed. (See Section 4762, General Code, above quoted.)

In view of the foregoing, and in specific answer to your inquiry, I am of the opinion that a city solicitor may not be compensated for legal services rendered in the settlement of claims against the sureties of a city board of education depository.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3926.

APPROVAL, CONTRACTS FOR ROAD IMPROVEMENTS IN SHELBY,
LORAIN, HANCOCK, LICKING AND RICHLAND COUNTIES.

COLUMBUS, OHIO, January 8, 1932.

Hon. O. W. Merrell, Director of Highways, Columbus, Ohio.

3927.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND
ROBERT J. MARKARIUS OF DAYTON, OHIO, FOR PLUMBING FOR
KITCHEN, DINING ROOM AND STOREROOM BUILDING AT OHIO
SOLDIERS' AND SAILORS' ORPHANS' HOME, XENIA, OHIO, AT AN
EXPENDITURES OF \$6,060.00. SURETY BOND EXECUTED BY THE
FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

COLUMBUS, OHIO, January 8, 1932.

HON. T. S. BRINDLE, Superintendent of Public Works, Columbus, Ohio.

DEAR SIR:—Your immediate predecessor, Albert T. Connor, submitted to this office for my approval 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

Robert J. Markarius of Dayton, Ohio. This contract covers the construction and completion of Plumbing Contract, not including General, Heating, Electric and Elevator Work on a Kitchen, Dining Room and Storeroom Building at the Ohio Soldiers' and Sailors' Orphans' Home, Xenia, Ohio, according to Item No. 2 of the Form of Proposal dated November 24, 1931. Said contract calls for an expenditure of six thousand and sixty dollars (\$6,060.00).

There has also been 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 also been furnished evidence to the effect that the Controlling Board and Emergency Board have released funds for this contract in accordance with Section 8 of House Bill No. 624 of the 89th General Assembly. In addition you have submitted a contract bond upon which the Fidelity and Deposit Company of Maryland appears as surety, sufficient to cover the amount of the contract.

There has further been 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.

3928.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE E. M. CARMELL COMPANY OF COLUMBUS, OHIO, FOR HEATING FOR KITCHEN, DINING ROOM AND STOREROOM BUILDING AT OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME, XENIA, OHIO, AT AN EXPENDITURE OF \$6,152.00. SURETY BOND EXECUTED BY THE SEABOARD SURETY COMPANY OF NEW YORK.

COLUMBUS, OHIO, January 8, 1932.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—There has been submitted by your immediate predecessor, Albert T. Connar, for my approval a contract between the State of Ohio, acting by the Department of Public Works for the Board of Trustees of the Ohio Soldiers' and Sailors' Orphans' Home, and the E. M. Carmell Company of Columbus, Ohio. This contract covers the construction and completion of Heating Contract, not including General, Plumbing, Electric and Elevator Work on a Kitchen, Dining Room and Storeroom Building at the Ohio Soldiers' and Sailors' Orphans' Home, Xenia, Ohio, according to Item No. 3 of the Form of Proposal dated November 25, 1931. Said contract calls for an expenditure of six thousand one hundred and fifty-two dollars (\$6,152.00).

There has been submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient