

By virtue of the proviso, a village council may by ordinance authorize the mayor or marshal to retain his legal fees."

You will note that by the act of April 5, 1927, supra, the Legislature amended Section 4270, supra, by deleting therefrom the clause "provided that the council of a village may, by ordinance, authorize the mayor and marshal to retain their legal fees in addition to their salaries, but in such event a marshal shall not be entitled to his expenses." As stated in the opinion in the Nolte Case, supra, the clause referred to relates to ordinance cases only and in no wise pertains to fees in state cases.

Your attention is directed to the fact that the Legislature, by its act of April 5, 1927 (112 v. 141), in no wise amended Section 4270, supra, so as to change the rule laid down in the Nolte Case, supra, viz.: "The true interpretation of Section 4270, General Code, is therefore, that in all state cases the mayor of a city or village is entitled to hold the legal fees taxed in his favor; the same not having been included within the language of the latter part of the section, which makes provision for payment of certain moneys into the county treasury."

Answering your question specifically, it is my opinion that in all state cases, by the terms of Section 4270, General Code, the mayor of a city or village is entitled to hold the legal fees taxed in his favor.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2050.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENTS IN
COLUMBIANA COUNTY.

COLUMBUS, OHIO, May 3, 1928.

HON. GEORGE F. SCHLESINGER, *Director of Highways, Columbus, Ohio.*

2051.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND PAUL L. GILMORE COMPANY, COLUMBUS, OHIO, FOR THE CONSTRUCTION OF ELECTRICAL WORK FOR ADDITIONS TO MUSEUM AND LIBRARY BUILDING AND EQUIPMENT, OHIO STATE UNIVERSITY, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$1,933.00—SURETY BOND EXECUTED BY THE FIDELITY AND CASUALTY COMPANY OF NEW YORK.

COLUMBUS, OHIO, May 3, 1928.

HON. RICHARD T. WISDA, *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 Ohio State Archaeolog-

ical and Historical Society, and Paul L. Gilmore Company, of Columbus, Ohio. This contract covers the construction and completion of all work included under the title of Base Bid as indicated on the drawings and mentioned in the specifications for the Electrical Contractor for Additions to Museum and Library Building and Equipment, Ohio State University, Columbus, Ohio, and calls for an expenditure of one thousand nine hundred and thirty-three dollars (\$1,933.00).

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 consent of the Controlling Board to the expenditure has been obtained as required by Section 12 of House Bill No. 502 of the 87th General Assembly. In addition you have submitted a contract bond upon which the Fidelity and Casualty Company of New York 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,

EDWARD C. TURNER,

Attorney General.

2052.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND ROBERT H. EVANS & COMPANY, COLUMBUS, OHIO, FOR CONSTRUCTION OF ADDITIONS TO MUSEUM AND LIBRARY BUILDING AND EQUIPMENT, OHIO STATE UNIVERSITY, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$77,376.00—SURETY BOND EXECUTED BY THE AMERICAN SURETY COMPANY OF NEW YORK.

COLUMBUS, OHIO, May 3, 1928.

HON. RICHARD T. WISDA, *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 Ohio State Archaeological and Historical Society, and Robert H. Evans & Company, of Columbus, Ohio. This contract covers the construction and completion of all work included under the title of Base Bid as indicated on the drawings and mentioned in the specifications for the General Contract for Additions to Museum and Library Building and Equipment, Ohio State University, Columbus, Ohio, and calls for an expenditure of seventy-seven thousand three hundred and seventy-six dollars (\$77,376.00).

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 consent of the Controlling Board to the expenditure has been obtained as required by Section 12 of House Bill No. 502 of the 87th General Assembly. In addition you have submitted a contract bond upon which the American Surety Company of New York appears as surety, sufficient to cover the amount of the contract.