

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.*

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2050.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENTS IN  
COLUMBIANA COUNTY.

COLUMBUS, OHIO, May 3, 1928.

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

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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-