

5123.

APPROVAL—BONDS OF LICKING RURAL SCHOOL DISTRICT,  
LICKING COUNTY, OHIO, \$4,000.00.

COLUMBUS, OHIO, January 29, 1936.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

5124.

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APPROVAL—CONTRACT FOR ELECTRICAL WORK FOR  
PROJECT KNOWN AS REMODELING SOUTH DORMI-  
TORY, MIAMI UNIVERSITY, OXFORD, OHIO, \$4,841.00,  
AETNA CASUALTY AND SURETY COMPANY OF HART-  
FORD, CONN., SURETY—BELTZHOOVER ELECTRIC COM-  
PANY OF CINCINNATI, CONTRACTOR.

COLUMBUS, OHIO, January 29, 1936.

HON. T. S. BRINDLE, *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 of Miami University, Oxford, Ohio, and The Beltzhoover Electric Company of Cincinnati, Ohio. This contract covers the construction and completion of contract for Electrical Work for a project known as Remodeling South Dormitory, Miami University, Oxford, Ohio, in accordance with Item No. 4, and Item No. 13 (Alt. M-2) of the form of proposal dated December 16, 1935. Said contract calls for an expenditure of four thousand eight hundred and forty-one dollars (\$4,841.00).

You have submitted the certificate of the Secretary of the Board of Trustees of Miami University showing that there are available moneys from funds of the University, which moneys, when supplemented by the moneys from the federal government, will be sufficient to cover the cost of erection of the improvement. In addition, you have submitted a contract bond upon which the Aetna Casualty and Surety Company of Hartford, Connecticut, 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,

JOHN W. BRICKER,  
*Attorney General.*

5125.

TOWNSHIP TRUSTEES—UNDER SECTION 5541-8, G. C., MAY RECEIVE COMPENSATION IN CONNECTION WITH ROAD IMPROVEMENT WHEN—O. A. G. 1930, VOL. II, P. 1300, AFFIRMED—ANNUAL REPORT OF ATTORNEY GENERAL FOR 1912, VOL. I, P. 284, OVERRULED.

**SYLLABUS:**

*Township trustees may receive compensation at the rate of \$2.50 per day for their services in connection with the improvement of roads with funds arising from the provisions of Section 5541-8, General Code, so long as such compensation does not exceed the limitation of \$250.00 set forth in Section 3294, General Code.*

*Opinion reported in Annual Report of the Attorney General for 1912, Vol. I, pages 283, 284, overruled in so far as it held that the per diem authorized by Section 3294, General Code, to be paid to township trustees as therein set forth is payable solely from the general fund.*

*Opinion reported in Opinions of the Attorney General for 1930, Vol. II, page 1300, affirmed.*

COLUMBUS, OHIO, January 30, 1936.

HON. D. H. JACKMAN, *Prosecuting Attorney, London, Ohio.*

DEAR SIR: Your letter of recent date is as follows:

"I am in receipt of an inquiry from the township trustees of Oak Run Township in which they inquire whether one of their members could take charge of a group of men and work them in repairing and maintaining township highways.

The real question is in regard to the trustee in charge being paid from the gasoline tax fund.

Your 1931 opinion number 2903 approves of a trustee working on the highway and being paid but in no case can he receive more than statutory allowance of \$250. If this can be paid or