

power of the court to fix allowances for the use of the prosecuting attorney under and by virtue of Section 3004-1, General Code, and held:

“The court in fixing an allowance under Section 3004-1 of the General Code must look to the appropriation made by the county commissioners for that purpose. If the court makes an allowance in excess of the amount appropriated and the county commissioners do not within the fiscal year amend their appropriation measure so as to include the amount of such allowance, then although such allowance is not illegal, it is ineffective.”

Specifically answering your questions in the order asked, I am of the opinion that:

1. A Common Pleas Judge has no more authority than other officers to incur obligations on behalf of the county, without complying with the terms of Section 5625-33, General Code.

2. Jury fees and witness fees for which a county is liable can be paid only from appropriations made for that purpose.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

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1800.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE W. H. SPOHN PLUMBING COMPANY, COLUMBUS, OHIO, FOR THE CONSTRUCTION OF HEATING AND PLUMBING ITEM (20) FOR NEW CHEMISTRY BUILDING, OHIO STATE UNIVERSITY, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$37,700.00—SURETY BOND EXECUTED BY THE GLOBE INDEMNITY COMPANY OF NEW YORK.

COLUMBUS, OHIO, March 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 and on behalf of the Board of Trustees of the Ohio State University, and The W. H. Spohn Plumbing Company, of Columbus, Ohio. This contract covers the construction and completion of heating and plumbing (Item 20) “Complete New Chemistry Building” on the University campus, Ohio State University, Columbus, Ohio, and calls for an expenditure of thirty-seven thousand, seven hundred dollars (\$37,700.00).

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 submitted a certificate from the Controlling Board, signed by the secretary thereof, that in accordance with Section 12 of House Bill No. 502, 87th General Assembly, said board has properly consented to and approved the expenditure of the monies appropriated by the 87th General Assembly for the purpose covered by this contract. In addition, you have submitted a contract bond upon which the Globe Indemnity 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.*

1801.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE HARRINGTON ELECTRIC COMPANY, CLEVELAND, OHIO, FOR CONSTRUCTION OF ELECTRICAL ITEM (21) FOR ADDITION TO POWER HOUSE, OHIO STATE UNIVERSITY, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$1,348.00—SURETY BOND EXECUTED BY THE NATIONAL SURETY COMPANY OF NEW YORK.

COLUMBUS, OHIO, March 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 and on behalf of the Board of Trustees of the Ohio State University, and the Harrington Electric Company, of Cleveland, Ohio. This contract covers the construction and completion of electrical item (21) "Addition to Power House" on the University campus, Ohio State University, Columbus, Ohio, and calls for an expenditure of one thousand, three hundred, forty-eight dollars (\$1,348.00).

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 submitted a certificate from the Controlling Board, signed by the Secretary thereof, that in accordance with Section 12 of House Bill No. 502, 87th General Assembly, said board has properly consented to and approved the expenditure of the moneys appropriated by the 87th General Assembly for the purpose covered by this contract. In addition, you have submitted a contract bond upon which the National Surety 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.*