

in case of the default in any of such payments, impose such sentence as is provided by law.

The person against whom such conditional sentence shall be awarded, shall be forthwith committed to the custody of an officer of the court, until such sentence be complied with; and if he shall not pay the fine within the time limited he shall be committed to the county jail, and it is hereby made the duty of the sheriff in such case, to execute the sentence according to the terms thereof."

The pertinent portion of this section, relative to your inquiry, is "The court may place such an offender on probation, with the condition that he pay a fine and costs *or either of them*, as the case may be, in installments within a limited time". This section authorizes a justice of peace in misdemeanor cases to place a defendant on probation with the condition that he pay the costs of prosecution.

In specific answer to your inquiry, I am of the opinion that a justice of peace has no authority to remit or suspend the payment of a fine for a violation of Sections 12604 et seq., of the General Code. However, he may suspend the imposition of sentence and place the defendant on probation under control and supervision of a probation officer with the condition that the costs of prosecution be paid by the defendant.

Respectfully,

GILBERT BETTMAN,

Attorney General.

1741.

APPROVAL, BONDS OF WILLOUGHBY RURAL SCHOOL DISTRICT,
LAKE COUNTY—\$12,900.00.

COLUMBUS, OHIO, April 7, 1930.

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

1742.

COURTS—PROBATE AND COMMON PLEAS COMBINED—COMMON
PLEAS JUDGE MAY ISSUE DANCE PERMITS OUTSIDE MUNICI-
PALITIES.

SYLLABUS:

When the Probate Court and Common Pleas Court of a county have been combined, the common pleas judge may issue a permit for the holding of a public dance in a township outside a municipality under Section 13393, General Code.

COLUMBUS, OHIO, April 7, 1930.

HON. E. S. YOUNG, *Prosecuting Attorney, West Union, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent communication presenting the following inquiry: