519.

APPROVAL, NOTE OF BYRD TOWNSHIP RURAL SCHOOL DISTRICT, BROWN COUNTY, $3,840.00.

COLUMBUS, OHIO, May 21, 1927.

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

520.

COUNTY COMMISSIONERS—NO AUTHORITY TO APPROPRIATE MONEY OUT OF DOG AND KENNEL FUND OR ANY OTHER FUND TO SECURE COSTS IN CASES FILED UNDER SECTION 5652, GENERAL CODE.

SYLLABUS:

A board of county commissioners has no authority in law to appropriate money out of the dog and kennel fund or any other fund to secure costs in cases filed under Section 5652-14, General Code.

COLUMBUS, OHIO, May 21, 1927.

HON. C. O. TURNER, *Prosecuting Attorney, Coshocton, Ohio.*

DEAR SIR:—I am in receipt of your letter of recent date which reads as follows:

"Will you kindly give me information on the following questions:

1. Whether a justice of the peace has a right under the recent rulings of the U. S. Supreme Court and Court of Appeals to try a person charged with violation of Section 5652, G.C., when he pleads not guilty and there is no waiver of a trial by jury.

2. If the justice has not jurisdiction to try the defendant under the state of facts as given above, should the defendant be bound over to the common pleas court?

3. If the justice has not jurisdiction to try a defendant charged with violation of Section 5652, G. C., when there is a plea of not guilty and no waiver of a trial by jury, would the justice have jurisdiction to try the defendant if costs were secured by the county commissioners?

4. Would the county commissioners have authority to appropriate money out of the dog and kennel fund or any other fund to secure costs in cases filed by the sheriff against persons charged with violation of Section 5652 of the General Code?"

I assume that although throughout your letter you refer to Section 5652, General Code, you mean Section 5652-14, General Code, which provides:

"Whoever, being the owner, keeper or harborer of a dog more than three months of age or being the owner of a dog kennel fails to file the