

2627.

PROBATE JUDGE SHOULD CHARGE FEE OF FIFTY CENTS FOR ISSUING PERMIT FOR PUBLIC DANCE.

SYLLABUS:

The probate judge should charge the sum of fifty cents for issuing a permit for public dances granted under the provisions of section 13393 as amended by the 86th general assembly.

COLUMBUS, OHIO, July 1, 1925.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—Your communication of recent date reads as follows:

“You are respectfully requested to furnish this department with your written opinion upon the following:

“Amended substitute senate bill No. 176, passed by the recent general assembly, contains the following provisions:

“Sec. 13393. No person shall give a public dance, roller skating or like entertainment in a city, village or township without having previously obtained a permit from the mayor of such city or village if such public dance, roller skating or like entertainment is given within the limits of a municipal corporation, or from the probate judge if such public dance, roller skating or like entertainment is given outside a city or village, or permit another so to do. * * *

“Nowhere in the act is there any provision made for a fee for issuing such permit and as applications are being made to probate judges for such permits, the question has arisen as to whether or not there should be a charge in connection with the issuing thereof.”

In examining the provisions of the General Code which specifically provide for the fees to be charged by probate judges, there would seem to be no provision to cover a charge for a license such as you describe. However, section 1603 of the General Code provides:

“For other services for which compensation is not otherwise provided by law, the probate judge shall be allowed the same fees as are allowed the clerk of the court of common pleas for similar services.”

It appears that compensation for such services is “not otherwise provided by law” as referred to in the section above quoted; and it therefore becomes necessary to examine the provisions which fix the fees which the clerk of the common pleas court is authorized to charge for services to ascertain whether or not there is a fee provided therein for the service such as you mention.

You are referred to section 2900 which relates to the county clerk’s fees, the opening sentence of which is as follows:

“For the services hereinafter specified, when rendered, the clerk shall charge and collect the fees provided in this and the next following section and no more.”

Section 2901 which is a continuation of the preceding section, contains the fol-

lowing, among other enumeration of fees which a clerk of courts is required to charge:

"For issuing any license, fifty cents."

In view of the foregoing, it would seem that for the services of a probate judge in the issuing of permits under the provisions of amended substitute senate bill No. 176, the probate judge should charge a fee of fifty cents. It is evident that the granting of a permit is a similar service as the issuance of a license.

Respectfully,
C. C. CRABBE,
Attorney General.

2628.

AUTHORITY OF BOARD OF TRUSTEES OF COUNTY HOSPITAL TO
PAY EXPENSE OF COMMENCEMENT EXERCISES FOR NURSES'
TRAINING SCHOOL.

SYLLABUS:

The board of trustees of a county hospital may pay from the hospital funds such items of expense as are necessary for the proper conduct of a commencement service for the nurses training school, but may not include therein items of expense for social entertainment of the class, faculty or guests.

COLUMBUS, OHIO, July 1, 1925.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—This will acknowledge receipt of your letter of recent date in which you submit for my opinion the following question:

"May the board of trustees of a county hospital legally furnish at the expense of the hospital fund such items as class pins for graduating nurses, invitations, diplomas, speaker at such exercises, other entertainment, decorations, refreshments served to the guests of the graduating class and a supper served to the graduating class, alumni, hospital staff and officers?"

Under the terms of sections 3127 and following of the General Code, the management of county hospitals is committed to a board of four trustees. The duties of these trustees are prescribed by section 3137 of the General Code, which so far as pertinent to this question, reads as follows:

"Such board shall assume and continue the operation of such hospital. It shall have the entire management and control of the hospital and shall establish such rules for the government thereof and the admission of persons thereto as it deems expedient; it shall have control of the property of the hospital and deposit all monies thereof with the county treasurer to the credit of the hospital fund; * * *"

Section 3133 of the General Code provides for the levy of a tax in "an amount