

execution upon any property which the execution officer might find.

However, there is no provision for the payment of fees of the justices of the peace other than by the judgment against the criminal defendant, which would include a state case when the costs are paid by the State of Ohio, inasmuch as a defendant in such case would be not only convicted but sentenced.

Inasmuch as the fees of the justice of the peace have not been paid, and are not collectible from a defendant, it is my opinion that there is no way in which the justice of the peace may collect the fees due him from the treasury of the county. Other costs of prosecution are likewise uncollectible from the defendant because of the terms and conditions of the probation, and also due to the fact that the defendant is indigent or insolvent. Other costs such as witnesses, psychiatrist, jury and stenographer's fees as are specifically provided by law to be paid from the county or municipal treasury, as the case may be, are paid to the proper person by the clerk of courts.

In specific answer to your inquiry, it is therefore my opinion that a justice of the peace is unable to collect the fees due him in a case where a person is bound over to the grand jury who plead guilty and was put on probation by a judge of the common pleas court and who satisfactorily terminated the period of probation.

It is further my opinion that other fees and costs, such as are specifically provided by statute to be paid out of the county treasury, can be paid by the clerk of courts to the proper persons entitled thereto.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1266.

APPROVAL—GRANTS OF EASEMENT EXECUTED TO THE
STATE OF OHIO BY CHESTER N. KOHLER OF GERMAN-
TOWN, CLARK COUNTY, OHIO.

COLUMBUS, OHIO, October 4, 1937.

HON. L. WOODDELL, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval two grants of easement, Numbers 1105 and 1106, executed to the State of Ohio by Chester N. Kohler of German Township, Clark County, Ohio.

conveying to the State of Ohio, for the purposes therein stated, certain tracts of land in said township and county.

By the above grants there is conveyed to the State of Ohio, certain lands described therein, for the sole purpose of using said lands for public fishing grounds, and to that end to improve the waters or water courses passing through and over said lands.

Upon examination of the above instruments, I find that the same have been executed and acknowledged by the grantor in the manner provided by law and am accordingly approving the same as to legality and form, as is evidenced by my approval endorsed thereon, all of which are herewith returned.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

1267.

APPROVAL—BONDS OF VILLAGE OF SUGAR GROVE, FAIRFIELD COUNTY, OHIO, \$16,500.00.

COLUMBUS, OHIO, October 4, 1937.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:

RE: Bonds of Village of Sugar Grove, Fairfield County, Ohio, \$16,500.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise all of an issue of waterworks bonds dated June 1, 1937, bearing interest at the rate of $3\frac{1}{4}\%$ per annum.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute a valid and legal obligation of said village.

Respectfully,

HERBERT S. DUFFY,

Attorney General.