called "hold-over" appointments and whose appointments have now been regularly ratified by the county board of education and by the state board of education. My opinion is also requested as to whether, in view of my letter of February 13, 1933, to the auditor of state—whether you are authorized to release checks for salaries to county agents whose appointments have not been approved by the local authorities.

As to the first class, namely, those county agents whose appointments have now been ratified by the county board of education and by the state board of education, I think it would be in order to release the salary checks withheld pursuant to my letter to the auditor of February 13th.

As to the second class, namely, those whose appointments have not been approved by the local authorities, I do not see how, consistent with my opinion to the state auditor, that these checks can be released.

I have reconsidered the questions involved in my former opinion to the auditor of state, and upon such reconsideration, I do not think that it is the intent of the County Agent Statute to enable such agent to hold-over indefinitely either upon the basis of the university's failure to appoint a successor or upon the basis of the failure of the local authorities to approve a reappointment.

INDIANA STATE FARM: Remission of fines—whether trial judge has authority to remit fine and costs assessed after man has been tried, convicted and admitted to prison.

March 29, 1933.

Mr. Clifford W. Craig,
Superintendent of Indiana State Farm,
Greencastle, Indiana.

Dear Mr. Craig:

I have before me your letter of March 24, 1933, propounding the following question:

"Please advise at as early a date as possible if, after a man has been duly tried and convicted, and is admitted to this institution, the trial judge has the authority to remit the fine and costs assessed; also, if we should give Rybolt credit on our books for such remission of fine and costs."
I have not been able to find where our Appellate Courts have passed specifically upon the question propounded, but in the case of State of Indiana v. Smith, 173 Ind. 388, at page 390, in determining what right the lower court has to suspend sentence or parole persons convicted after judgment has been pronounced, the Supreme Court used this language:

"It is evident that said statute does not attempt to authorize such courts to suspend the sentence or parole such persons after final judgment has been rendered in such case. The orders suspending sentence and paroling such persons must be entered as a part of the judgment of conviction, and if such order is not then made and entered, the court has no authority under said statute to make such order afterwards. State v. Robbins (1890), 124 Ind. 308; * * * Gray v. State (1866), 107 Ind. 177. As the order suspending the collection of said fine * * * was made long after the final judgment of conviction was entered, the same was at least erroneous."

Article 5, paragraph 17 of the State Constitution provides, that the governor

"shall have the power to grant reprieves, commutations, and pardons, after conviction for all offenses, except treason and cases of impeachment, subject to such regulations as may be provided by law. * * * He shall have power to remit fines and forfeitures under such regulations as may be prescribed by law."

The legislature has provided methods for the remission of fines by the governor and it is my opinion that the governor alone has authority after final judgment to act in either the pardoning of a convicted person or in remitting his fine. This being my opinion, I suggest that you ignore the letter received from the court and continue to hold the prisoner, Charles Rybolt, under the terms of the original commitment.