

almost word for word in section 12382, General Code, which was repealed in 113 O. L., 123. Section 12382, prior to its being repealed, read:

“The county commissioners of a county not having a workhouse may, on the written recommendation of the court that has tried the case and the sheriff of the county where the prisoner is confined, release on parole an indigent prisoner confined in the jail of such county for fine and costs alone. The parole in such case shall be in writing, signed by the prisoner so released, and conditioned for the payment for (of) the fine and costs by him in labor or money in installments or otherwise, and shall be approved by the prosecuting attorney of such county, and the provisions of Sec. 6212-17 General Code shall not prevent the commissioners from releasing such indigent prisoner as herein provided.”

That statute was passed upon in the case of *Kohler vs. State, ex rel. Goldstein*, 24 O. App., 27., wherein it was held in the second paragraph of the syllabus that:

“Under Indigent Prisoners’ Act (Sections 12382, 12383, General Code), providing for parole of prisoner by unanimous consent of prosecutor, sheriff, county commissioners, and committing magistrate, prisoner must remain in jail if sheriff refuses to approve action of co-officials, and there is no remedy for his release except through action of commissioner of insolvents declaring prisoner insolvent and ordering his discharge, under Sections 11148 to 11155.”

The holding in that case likewise applies to the provisions of section 13452-10, since that statute is almost identical with section 12382 which was considered in that case.

In passing, your attention is also called to sections 2576 and 11148 to 11160, inclusive, General Code, particularly section 11150, wherein the legislature has empowered certain public officials to release from confinement persons who are indigent and insolvent.

Specifically answering your question, it is my opinion that the county commissioners, acting under section 13452-10, General Code of Ohio, cannot parole an indigent prisoner confined in the county jail only for non-payment of fine and costs without the consent of the prosecuting attorney, sheriff and the sentencing judge.

Respectfully,

JOHN W. BRICKER,
Attorney General.

4593.

APPROVAL, TWO LEASES TO LAND IN MONTGOMERY COUNTY, OHIO,
FOR STATE GAME REFUGE PURPOSES—MIAMI CONSERVANCY DIS-
TRICT OF DAYTON, OHIO.

COLUMBUS, OHIO, July 6, 1935.

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

DEAR SIR:—You have submitted for my examination and approval two leases

executed to the State of Ohio by the Miami Conservancy District of Dayton, Montgomery County, Ohio, leasing and demising to the State for the purposes therein stated, tracts of land in Mad River Township, Montgomery County, Ohio.

The leases here in question, designated with respect to the number of the lease and the acreage of land covered by the respective leases, are as follows:

<i>Number</i>	<i>Acreage</i>
2284	12.3
2285	272.00

Each and both of these leases are for a term of five years and in each instance the property described is leased to the state for the sole purpose of a state game refuge. And, in this connection, it is noted that as to each of these leases the Conservation Council, acting through you as Conservation Commissioner, has made an order setting aside the lands described in the lease for the purpose of a state game and bird refuge, as provided for in section 1435-1, General Code.

Upon examination of these leases, I find that the same have been executed and acknowledged by the lessor in the manner provided by law. I also find upon examination of the provisions of these leases and of the conditions and restrictions therein contained, that the same are in conformity with statutory provisions relating to the execution of leases of this kind.

I am accordingly approving these leases as to legality and form, as is evidenced by my approval endorsed upon the several leases and upon the duplicate copies thereof, all of which are herewith returned.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

4394.

APPROVAL, LEASES TO LAND IN MONROE TOWNSHIP, PUTNAM COUNTY, OHIO, FOR STATE GAME REFUGE—ANNA E. TREECE AND MARVIN WILSON.

COLUMBUS, OHIO, July 6, 1935.

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

DEAR SIR:—You have submitted for my examination and approval certain leases executed to the State of Ohio by several property owners in Monroe Township, Putnam County, Ohio, leasing and demising to the State for the purposes therein stated tracts of land in said township and county.

The leases here in question, designated with respect to the number of the lease, the owner of the property and the acreage of land covered by the respective leases, are as follows:

<i>Number</i>	<i>Name</i>	<i>Acreage</i>
2290	Anna E. Treece	77
2291	Anna E. Treece	80
2292	Marvin Wilson	162.85