

1315.

APPROVAL—BONDS OF CITY OF CLEVELAND, CUYAHOGA COUNTY, OHIO, \$44,000.00 (Limited).

COLUMBUS, OHIO, October 15, 1937.

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

GENTLEMEN :

RE: Bonds of City of Cleveland, Cuyahoga County,  
Ohio, \$44,000.00 (Limited).

I have examined the transcripts of proceedings relative to the above bonds purchased by you. These bonds comprise parts of two issues of bonds of the above city dated December 1, 1929, bearing interest at the rate of  $4\frac{3}{4}\%$  per annum, one being an issue of police and fire bonds in the aggregate of \$120,000, and the other being department of public health and welfare bonds in the aggregate amount of \$110,000.

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 city.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

1316.

APPROVAL—BONDS OF CITY OF CLEVELAND, CUYAHOGA COUNTY, OHIO, \$90,000.00.

COLUMBUS, OHIO, October 15, 1937.

*The Industrial Commission of Ohio, Columbus, Ohio.*

GENTLEMEN :

RE: Bonds of City of Cleveland, Cuyahoga County,  
Ohio, \$90,000.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise part of an issue of

city's portion, paving and sewer bonds, in the aggregate amount of \$750,000, dated December 1, 1929, bearing interest at the rate of 4¼ % 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 city.

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*

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1317.

PRISONER — CONCURRENT SENTENCES DO NOT MAKE  
PREVIOUS CONVICTION—REFORMATORY AND PENI-  
TENTIARY.

*SYLLABUS:*

1. *When a prisoner is convicted of and sentenced on two or more felonies and the sentencing court orders that such sentence shall run concurrently, such sentences do not place the defendant in the category of prisoners previously convicted of crime if the sentences are identical in length of time. However, since the sentence says "run concurrently" the second sentence will have been completed at the same point of time as the first sentence. If the sentences are not identical, the defendant is placed in the category of a prisoner previously convicted of crime upon the completing of the first sentence for purposes of transfer.*

2. *When a prisoner while on parole commits another felony and upon conviction thereof is sentenced to the Ohio State Reformatory and the court orders that the new sentence shall run concurrently with the sentence which the prisoner was serving on parole, such prisoner is subject to transfer to the Ohio Penitentiary as one previously convicted of crime but such second sentence shall run concurrently with that being served at the time of parole violation.*

3. *When a prisoner is sentenced on two or more convictions and the sentencing court orders that the sentences are to run consecutively, such prisoner after commitment to the Ohio State Reformatory and*