

though otherwise eligible for commitment to the Ohio State Reformatory, cannot legally be committed to such institution by a sentencing court.

3. A parolee, who while out on parole, has been convicted and sentenced for the commission of another penal offense and sentenced to the Ohio Reformatory should be transferred to the Ohio Penitentiary by the Department of Public Welfare as provided by Sections 2140 and 2210-2, General Code.

4. Where the Board of Parole, for the violation of a parole, orders the recommitment of the parole violator to the institution from which the prisoner was paroled, such order of the board cannot interfere with or suspend the execution of a sentence imposed by a court on the parole violator for an offense committed by him while on parole even though by virtue of Section 2211-9, General Code, the Board of Parole has the power on the revocation of a parole to recommit the prisoner to the institution from which he was paroled. (Fourth paragraph of the syllabus of Opinions of the Attorney General for 1933, Vol. II, page 1273, approved and followed.)

Respectfully,

JOHN W. BRICKER,

Attorney General.

5746.

APPROVAL—APPLICATION FOR DELINQUENT RENTAL REDUCTIONS, ON OHIO CANAL LANDS IN SHADESVILLE, OHIO—MARY I. SEEDS; WEST CARROLLTON, OHIO—ALLEN B. AND CLARA E. SIMMONS; AND M&E CANAL LANDS IN DEFIANCE, OHIO—NORTHWESTERN SAVINGS AND LOAN COMPANY OF DEFIANCE, OHIO.

COLUMBUS, OHIO, June 25, 1936.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval a number of findings made by you with respect to requested adjustments of current and or delinquent rentals on leases of abandoned canal lands, which findings, as well as the applications therefor filed by the respective lessees, are under the authority of House Bill No. 467, enacted by the 90th General Assembly, 115 O. L., 512.

In one of the findings submitted to me, you have directed a reduction in the amount of the delinquent rentals under O&E Lease No. 141 held

by one Mary I. Seeds on a parcel of Ohio Canal lands in Shadesville, Ohio, from the sum of \$54.00 to the sum of \$36.00. You have likewise with respect to this lease reduced the current rental under the same for the year from May 1, 1936, to May 1, 1937, from the sum of \$36.00 to \$24.00. The reasons assigned for the reductions requested, though the same are not very fully stated, are such as have proper relation to the grounds upon which you are authorized to grant rental reductions under the provisions of the act above referred to; and your finding in this matter is approved.

Another finding submitted by you is one in which you direct a reduction in the amount of the current rental for the year from May 1, 1936, to May 1, 1937, on a lease now owned and held by Allen B. and Clara E. Simmons of Dayton, Ohio, on a parcel of land at West Carrollton, Ohio. The lease here in question bears the serial number M&E 296, and the reason assigned by the lessees for the requested reduction shows such a change in the use of the property that for economic reasons the lessees were justified in making this application. Your finding in this matter is likewise approved.

I am likewise returning herewith with my approval a finding made by you reducing the current rental on a lease now owned and held by the Northwestern Savings and Loan Company of Defiance, Ohio, on a parcel of abandoned Miami and Erie Canal lands in this city. By your finding, you have reduced the current rental on this property for the year from May 1, 1936, to May 1, 1937, from the sum of \$27.00 to the sum of \$20.00. The reason assigned for this cancellation is one which has some relation in an economic way to the grounds upon which you are authorized to act in a case of this kind and for this reason your finding is approved.

The findings above referred to, together with the applications and resolutions thereto attached, are herewith returned.

Respectfully,

JOHN W. BRICKER,
Attorney General.