

the county treasury. Without extending this discussion, it is my opinion in specific answer to your inquiries:

1. A deputy county engineer, employed to assist the county engineer in performing the various duties enjoined by law upon the county engineer, may not receive any compensation from the gasoline excise tax fund for the time he is engaged in the construction and maintenance of roads, which work is being paid for from the gasoline excise tax fund.

2. A deputy county engineer, employed to assist the county engineer in performing the various duties enjoined by law upon the county engineer, may not receive any compensation from the general ditch fund for the time he is engaged in the survey, construction or cleaning of county ditches, which work is being paid for from the general ditch fund.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5744.

APPROVAL—BONDS OF CITY OF LIMA, ALLEN COUNTY,
OHIO, \$13,000.00.

COLUMBUS, OHIO, June 24, 1936.

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

5745.

PAROLE—PERSON FROM OHIO REFORMATORY ON PAROLE
WHO IS CONVICTED OF ANOTHER OFFENSE—SHOULD
BE TRANSFERRED TO OHIO PENITENTIARY—EFFECT
OF VIOLATION OF PAROLE.

SYLLABUS:

1. *Neither the Department of Public Welfare nor the Board of Parole has the authority or power to stay the execution of a sentence imposed upon a parolee, who while out on parole, has been convicted and sentenced for another crime.*

2. *A person previously sentenced to a state penal institution, even 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 sen-*