

said section undoubtedly does *recognize* the practice of imposing such sentences and provides for the length of term of imprisonment in such cases. Said section says:

"Courts imposing sentences to the Ohio penitentiary for felonies, except treason, and murder in the first degree, shall make them general and not fixed or limited in their duration. All terms of imprisonment of persons in the Ohio penitentiary may be terminated by the Ohio board of administration as authorized by this chapter, but no such terms shall exceed the maximum, nor be less than the minimum term provided by law for the felony of which the prisoner was convicted. If a prisoner is sentenced for two or more separate felonies, his term of imprisonment may equal, but shall not exceed, the aggregate of the maximum terms of all the felonies for which he was sentenced and, for the purposes of this chapter, he shall be held to be serving one continuous term of imprisonment. * * *"

Your statement to the effect that it has been the practice for the state to allow the costs in each case where a person is sentenced to the *penitentiary* for two or more separate felonies is, as I am informed, correct, although there appears to be no statute giving *express* authority for that to be done. It will be observed that that part of section 2166 G. C. which speaks of a sentence "for two or more separate felonies" has to do merely with the length of the term of imprisonment, and says nothing at all about the payment of costs.

Inasmuch as the payment of costs, in the case of a person sentenced on two more indictments to the Ohio penitentiary, rests on the basis of administrative practice, rather than upon any express statutory language, it would seem that the same practice should apply to the case of a person sentenced on two or more indictments to the Ohio state reformatory, both institutions relating to the same general class of offenders, to-wit, those convicted of felonies.

It is therefore my opinion that where a person has been arraigned on two or more separate indictments charging different offenses, has been convicted on each, and has been sentenced on each to an indeterminate period of imprisonment in the Ohio state reformatory, the costs in each case should be paid by the state in the manner provided by section 13722 G. C. et seq.

Respectfully,
JOHN G. PRICE,
Attorney-General.

1729.

APPROVAL, LEASE TO HENRY L. SCHULER, CLEVELAND, OHIO,
PORTION OF OHIO CANAL LANDS IN NORTHFIELD AND BOSTON
TOWNSHIPS, SUMMIT COUNTY, OHIO.

COLUMBUS, OHIO, December 23, 1920.

HON. JOHN I. MILLER, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—I have your letter of December 22, 1920, transmitting in triplicate form a lease to Henry L. Schuler of Cleveland, Ohio, for a portion of the Ohio canal lands in Northfield and Boston townships, Summit county, Ohio, for hydraulic purposes.

I note from the lease that the annual rental provided is \$1,148.00. I also note

from your letter that the lease does not in any way affect the use of the canal lands for canal purposes or for supplying water to the lessees of existing leases.

I have examined said lease and find the same correct in form and legal, and I am therefore returning it to you with my approval endorsed thereon.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

1730.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS IN
 CLARK AND MEIGS COUNTIES, OHIO.

COLUMBUS, OHIO, December 23, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*

1731.

DISAPPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS
 IN MADISON COUNTY, OHIO.

COLUMBUS, OHIO, December 23, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*

DEAR SIR:—I return, enclosed, without my approval the following two final resolutions sent me, among others, with your letter of December 18, 1920.

Columbus-Washington C. H. road, I. C. H. No. 50, sections "G. & N.",
 Madison county.

The certificate of the clerk of the board of county commissioners shows that said commissioners adopted their final resolutions on the 6th day of December, 1920, and that the county auditor's certificate of available funds is dated December 10, 1920.

It thus appears that the auditor's certificate was not made until after the county commissioners had passed their resolutions. An examination of section 5660 G. C. in connection with section 1218 G. C. will show that properly the certificate of the county auditor should be made at or prior to the time of the passage of the final resolution.

Respectfully,
 JOHN G. PRICE,
Attorney-General.