

"Subject to the limitations imposed by law, the board of parole shall have full, continuous and exclusive power *to determine the time when*, the period for which and the terms and conditions in accordance with which any prisoner now or hereafter confined in a penal or reformatory institution may be allowed to go upon parole outside the premises of the institution to which he has been committed, assigned or transferred."

(Italics the writer's)

It is apparent from a reading of the section just quoted that a prisoner in a penal institution in this state, on the expiration of his minimum sentence less good time off for good behavior, merely becomes eligible for parole at that time. There is not statutory requirement which compels the board of parole when a prisoner becomes eligible for parole, to immediately take under consideration the question of granting him a parole. In other words, eligibility for parole is one thing and the consideration of whether or not a parole should be granted is another thing. It seems to me that the board of parole is authorized to take up and consider the advisability of paroling a prisoner only after he becomes eligible for parole and the board of parole is not required to give immediate consideration to the question of whether or not a parole should be granted. It therefore follows that it is not necessary to continue the undisposed cases from month to month or to some definite period with a definite notation on the minutes of the board showing such continuation. However, there is nothing to prevent the board from doing that thing if, in its judgment, it believes it to be the best policy. That question, however, is an administrative and not a legal problem. My conclusion finds further support by virtue of the provisions contained in section 2211-5, which provides that the board of parole shall have power to exercise its functions and duties in relation to the parole of prisoners upon its own initiative, and in that part of section 2211-6 which provides that the board of parole has full, continuous and exclusive power to determine the time when a prisoner confined in a penal institution shall be allowed to go upon parole.

Therefore, in specific answer to your second question, it is my opinion that the board of parole may continue undisposed cases either generally or for a definite or indefinite period of time with or without notation on the minutes of the board showing such a continuation.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3803.

APPROVAL, LEASE TO LAND IN LAWRENCE COUNTY, OHIO—
THE CHARTIERS OIL COMPANY OF PITTSBURGH—H. E.
POLLOCK.

COLUMBUS, OHIO, December 1, 1931.

HON. JOSEPH T. TRACY, *Auditor of State, Columbus, Ohio.*

DEAR SIR:—Recently you submitted for my examination and approval as to legal form an oil and gas lease executed by you, under and in pursuance of Section 3209-1. General Code, to The Charters Oil Company of Pittsburgh,

Pennsylvania, and to H. E. Pollock, covering 202.70 acres of land in Lawrence County, Ohio, in the Civil Township of Union, being Township No. 1, Range No. 16, in Section No. 16 thereof.

I find this lease to be correct in legal form and I have therefore attached my signature thereto in approval.

Respectfully,
GILBERT BETTMAN,
Attorney General.

3804.

APPROVAL, LEASE TO ROOMS IN BUILDING ON SOUTH THIRD STREET, COLUMBUS, OHIO, FOR THE USE OF THE BUREAU OF MOTOR VEHICLES.

COLUMBUS, OHIO, December 2, 1931.

HON. ALBERT T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication requesting my approval of a lease between W. K. Lanman of Columbus, Ohio, and yourself, as Superintendent of Public Works for the State of Ohio, by the terms of which lease Rooms 196, 197 and 198 in the building known as 20 South Third Street, Columbus, Ohio, are let for the use of the Bureau of Motor Vehicles for the period of thirteen months, beginning December 1, 1931, and ending December 31, 1932, at a rental of one hundred dollars (\$100.00) per month.

With your lease, one copy of encumbrance estimate No. 5, is enclosed, as required by section 2288-2, General Code.

After careful examination, I find that the lease is in proper legal form, with the exception that said lease should show the day in November on which it was executed.

Subject to the supplying of this omission, I am approving said lease and returning all data to you.

Respectfully,
GILBERT BETTMAN,
Attorney General.

3805.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE CHICAGO BRIDGE AND IRON WORKS OF CLEVELAND, OHIO, AND CHICAGO, ILLINOIS, FOR WATER TOWER FOR MASSILLON STATE HOSPITAL, MASSILLON, OHIO, AT AN EXPENDITURE OF \$8,340.00 SURETY BOND EXECUTED BY THE UNITED STATES GUARANTEE COMPANY.

COLUMBUS, OHIO, December 2, 1931.

HON. JOHN MCSWEENEY, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Welfare, and the Chicago