

suffer a period of imprisonment for no other reason except insolvency, which, for the offense committed, would under the Constitution and laws be excessive in its character. It cannot be denied, however, that such a situation vitally partakes of that obnoxious doctrine that compels a person to suffer imprisonment in the county jail for debt, which has been practically swept from our law.

It is claimed by the state that the fine and costs imposed in the case at bar are penalties, and not an indebtedness, but this interpretation, we think, does violence to Section 11150, General Code, where it makes clear that the language of the section is applicable to 'a person who is imprisoned under process for a fine, penalty, or costs, in a criminal proceeding.' "

In view of the foregoing and answering your question specifically it is my opinion that an insolvent person, who has been sentenced to pay a fine and ordered to remain imprisoned in jail until such fine and the costs be paid or secured to be paid, or until he be otherwise legally discharged, and who is imprisoned in a county jail under such sentence, is entitled to the benefit of the insolvent debtor's law (Section 11146 et seq., General Code) after such prisoner has been imprisoned thereunder for a period of sixty days.

It is further my opinion that such a person having been imprisoned for a period of sixty days upon compliance with the provisions of Sections 11146 et seq., General Code, is entitled to be discharged, notwithstanding the fact that two or more fines had been imposed upon him and the judgments imposing such fines had specifically stated that the defendant was to be imprisoned until each of such fines was paid and that, in default of payment, "imprisonment for payment of the two fines was to be separate and not concurrent."

Respectfully,

EDWARD C. TURNER,

Attorney General.

1197.

APPROVAL, BONDS OF MONROE TOWNSHIP RURAL SCHOOL DISTRICT,
PICKAWAY COUNTY, OHIO—\$2,800.00.

COLUMBUS, OHIO, October 26, 1927.

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

1198.

APPROVAL, BONDS OF THE VILLAGE OF LOUISVILLE, STARK COUNTY
—\$8,000.00.

COLUMBUS, OHIO, October 26, 1927.

Industrial Commission of Ohio, Columbus, Ohio.