

"When, by reason of a suit concerning the proof of a will, or from other cause, there is delay in granting letters testamentary or of administration, the court may appoint a special administrator to collect and preserve the effects of the deceased."

The special administrator so appointed would have authority and would in my opinion be charged with the duty of keeping the recorder's office open and receiving and filing instruments offered for record until such time as a successor to the deceased recorder was duly appointed and qualified.

Respectfully,
EDWARD C. TURNER,
Attorney General.

818.

GAME REFUGE LEASES—15 APPROVED—1 DISAPPROVED.

COLUMBUS, OHIO, August 2, 1927.

Department of Agriculture, Division of Fish and Game, Columbus, Ohio.

GENTLEMEN:—I have your letter of recent date in which you enclose the following Game Refuge Leases, in duplicate, for my approval:

No.	Name	County	Township	Acres
1004	Otto J. Wheeler.....	Franklin	Perry	2
1005	Harry Artz.....	Franklin	Washington	7.74
1006	Ethel Artz.....	Franklin	Washington	24
1007	Chas. W. Miller.....	Franklin	Washington	43
1008	W. Mitchell.....	Franklin	Washington	100
1009	Nell D. Tuller.....	Franklin	Washington	55
1010	Frank M. and Sarah Raymund.....	Franklin	Washington	55
1011	Perl B. Morton.....	Franklin	Washington	39.03
1012	John M. Adams.....	Franklin	Perry	9
1013	Francis M. Leonard.....	Franklin	Perry	1.27
1015	Harry M. Frech.....	Franklin	Perry	15
1016	Chas. S. M. Krumm.....	Franklin	Perry	15
1017	Ward B. Perley.....	Franklin	Washington	125
1018	Wm. K. Lanman.....	Franklin	Washington	134.54
1019	Carl R. Lindenburg.....	Franklin	Washington	25

I have examined said Leases, find them correct as to form, and I am therefore returning the same with my approval endorsed thereon.

I am returning herewith Lease No. 1014, The Whitsit Realty Co., Perry Township, Franklin County, 8.59 acres, unapproved for correction, for the reason that the acknowledgment thereon is defective. I suggest that same be corrected to read as follows:

"Before me, a Notary Public in and for said county, personally appeared the above named P. B. Whitsit, President of The Whitsit Realty Company, the corporation which executed the foregoing instrument, who acknowledged that he did sign and seal said instrument as president in behalf of said corporation and by authority of its board of directors; and that said instrument is the free act and deed of said The Whitsit Realty Company."

In addition this lease should be accompanied by proper evidence in the form of a certificate signed by the secretary of the company, or otherwise to the effect that the president of the company was authorized to execute the lease in question.

Respectfully,

EDWARD C. TURNER,
Attorney General.

819.

OHIO BOARD OF CLEMENCY—AUTHORITY TO ESTABLISH RULES AND REGULATIONS UNDER WHICH PRISONER OF OHIO STATE REFORMATORY, REIMPRISONED FOR VIOLATION OF PAROLE, MAY AGAIN BE ALLOWED TO GO ON PAROLE—TRANSFER TO OHIO PENITENTIARY.

SYLLABUS:

1. *The Ohio Board of Clemency has authority to establish rules and regulations under which prisoners of the Ohio State Reformatory, reimprisoned for a violation of their parole, may be allowed again to go upon parole in legal custody, the only limitation upon the board's power being that such prisoners must be recommended as worthy of such consideration by the superintendent and chaplain of the reformatory before such applications for parole may be considered.*

2. *If a prisoner of the Ohio State Reformatory commits a felony while upon parole and upon conviction thereof the court, being unaware of his previous sentence to a state prison, sentences such prisoner to the Ohio State Reformatory, by the terms of Section 2140, General Code, upon it being shown such prisoner had previously been convicted of crime the Ohio Board of Clemency, with the written consent of the Governor may transfer such prisoner to the Ohio Penitentiary.*

3. *Prisoners reimprisoned in the Ohio State Reformatory upon the written order of the superintendent in accordance with the established rules and regulations are to be considered as serving under their original commitment and may not be transferred to the Ohio Penitentiary.*

4. *By the terms of Section 2140, General Code, the Ohio Board of Clemency, with the written consent of the Governor, may transfer to the Ohio Penitentiary an apparently incorrigible prisoner whose presence in the reformatory appears to be seriously detrimental to the well-being of the institution.*

COLUMBUS, OHIO, August 2, 1927.

Ohio Board of Clemency, Columbus, Ohio.

GENTLEMEN:—This will acknowledge receipt of your letter of recent date reading as follows:

"1. In view of your recent opinion, No. 727, in regard to parole violators at the Ohio Penitentiary, we beg leave to ask if the rules laid down in your opinion applies in any way to parole violators from the Ohio State Reformatory? The language in 2144 differs materially from that in Sections 2174 and 2175 (O. P.). That is to say, does the violation of a parole by a prisoner from the Ohio State Reformatory forfeit his right to be heard for a restoration to parole?