

be vested with and assume and exercise all powers and duties in all matters connected with the release, parole or probation of persons confined in or under sentence to the penal institutions of Ohio now cast by law upon the said Ohio Board of Administration."

Even if Section 2148-9, supra, did not expressly refer to the other pertinent sections contained in the same act, since Section 2148-10, supra, relates to the same subject matter and is a statute in *pari materia*, the two sections must be construed together.

Although Section 2149-9, supra, may be said to be analogous to Section 2166, General Code, the provisions of Section 2148-10, supra, authorizing parole of inmates confined in the Ohio Reformatory for Women are entirely different from the provisions of Section 2169, General Code, which makes provision for the parole of prisoners confined in the Ohio Penitentiary.

By the provisions of Section 2148-10, supra, the Ohio Board of Administration (now the Ohio Board of Clemency) is given power to establish rules and regulations under which persons in the Ohio Reformatory for Women may be allowed to go upon parole in legal custody, under the control of the board and subject to be taken back into the inclosure of the reformatory. *The only limitation upon the board's power to parole is that "a person shall not be eligible to parole and an application for such parole shall not be considered by the board until such prisoner has been recommended as worthy of such consideration by the superintendent of the reformatory, provided, that no female sentenced to imprisonment for life shall be eligible to parole within five years from admission."*

The limitations contained in Section 2169, General Code, relate solely to the Ohio Penitentiary and have no application whatsoever to the Ohio Reformatory for Women.

Answering your question specifically it is my opinion that females convicted of murder in the second degree and sentenced to imprisonment in the Ohio Reformatory for Women for life may be allowed to go upon parole in legal custody, by the Ohio Board of Clemency, on and after they have served five years within the inclosure of the reformatory, remaining, however, under the control of the board and subject to be taken back into the inclosure of the reformatory. When there is a reasonable probability that the prisoner's release or parole will not be incompatible with the welfare of society and the board deems it best, it may grant absolute release to such prisoner. The only limitations upon the Ohio Board of Clemency's power to parole such a prisoner is that such parole shall not be considered by the board, until such prisoner shall have been recommended as worthy of such consideration by the superintendent of the reformatory and shall have served within the reformatory five years' imprisonment.

In view of the foregoing I deem it unnecessary to answer your second question.

Respectfully,

EDWARD C. TURNER,
Attorney General.

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APPROVAL, NOTE OF WALHONDING RURAL SCHOOL DISTRICT,
COSHOCTON COUNTY, \$1,440.00.

COLUMBUS, OHIO, July 21, 1927.

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