

facturing establishments." There are two possible interpretations. First, "manufacturing establishment" means the entire place of business wherein any manufacturing processes are carried on. Second, a "manufacturing establishment" only means that part of a place of business wherein the said manufacturing processes are carried on. Certainly the first definition is the broader and more liberal, and therefore it is clear that the latter definition being more limited and stricter, would have to be applied in conformance with the rule of strict construction against the state.

There is another avenue of approach in ascertaining the intention of the legislature in enacting Amended Senate Bill No. 287 and that is to consider the purpose of the legislation and the condition it was intended to alleviate. In stipulating a lower maximum hours of work for females in manufacturing establishments, the legislature obviously had in mind that such employment was more arduous in nature than employment in other capacities and more potentially dangerous to the health. If, as I believe, that was the intention of the legislature, the policy which dictated it would not apply to women employed in office work in manufacturing establishments. There is nothing from the point of view of the protection of health, to distinguish office work in a manufacturing establishment from similar office work done in other establishments.

In specific answer to your inquiry therefore, it is my opinion that female office employes in manufacturing establishments are not included within the special provision stipulated for manufacturing establishments, in Section 1008-2, enacted in Amended Senate Bill No. 287, and that said class of employes may be permitted to work forty-eight hours per week.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

840.

JURISDICTION OF JUSTICE OF THE PEACE—COUNTY-WIDE
BY STATUTE, IN CRIMINAL MATTERS—ONLY BY
WAIVER OF TRIAL BY JURY DOES JUSTICE OF THE
PEACE HAVE FINAL DETERMINATION OF THE CASE.

SYLLABUS:

Section 13422-2, General Code, effective August 21, 1937, grants

county wide jurisdiction in criminal matters to a justice of the peace only upon affidavit or complaint filed by the prosecuting attorney, sheriff, the party injured or any authorized representative of a state or federal department to inquire into a charge and either discharge or recognize him or otherwise dispose of the complaint as provided by law.

It is still necessary to waive a trial by a jury in order to give the justice of the peace the necessary jurisdiction for a final determination of the case.

COLUMBUS, OHIO, July 6, 1937.

HON. THEODORE TILDEN, *Prosecuting Attorney, Ravenna, Ohio.*

DEAR SIR: I am in receipt of your recent communication which reads as follows:

“Under the provisions of Section 13422-2 of the General Code of Ohio, as enacted by the last Legislature and effective August 20, 1937, ‘Justices of the Peace are given jurisdiction in criminal cases throughout their county,’ and the question has been presented to me by a number of the justices of the peace of our county whether a waiver of a trial by jury is necessary under this law.

I shall appreciate your opinion on this question.”

You inquire whether this statutory change in jurisdiction makes it necessary that accused persons waive a trial by jury in the justice courts.

The office of the justice of the peace is a statutory one in Ohio and its jurisdiction and procedure are governed entirely by the provisions of the statutes applicable to the justices’ courts. By this amendment referred to only the jurisdiction is changed. Pertinent parts of Section 13422-2, General Code, read as follows:

“A justice of the peace shall * * * have jurisdiction in criminal cases throughout the township * * * and *county wide jurisdiction in all criminal matters only upon affidavit or complaint filed by the prosecuting attorney * * * sheriff, the party injured or any authorized representative of a state or federal department* in the event there is no other court of concurrent jurisdiction other than the common pleas court, police court or mayor’s court, and on view or sworn complaint, to cause a person, charged as *aforesaid* with the commission of a felony or a misdemeanor, to be arrested and brought before himself or another justice of the peace, and if such person is brought before him to inquire

into the complaint and either discharge or recognize him to appear before the proper court at the time named in the recognition *or otherwise dispose of the complaint as provided by law.*" (Italics mine.)

The special jurisdiction of justice of the peace courts has been somewhat enlarged but I do not believe it is necessary to set forth the amendment in this opinion.

It is to be noted that the jurisdiction generally of the justices of the peace has been somewhat narrowed. The county wide jurisdiction will now be only "upon affidavit or sworn complaint filed by the prosecuting attorney, sheriff, party injured, etc., and when a person is so charged and brought before a justice of the peace, the justice shall discharge him or recognize him or *otherwise dispose of the complaint as provided by law.*"

It is to the cases in which the justice has final jurisdiction that this provision "otherwise dispose of the complaint as provided by law" refers. In such cases the procedure as regards a trial by jury is not changed. The justices of the peace still have several criminal cases in which they have final jurisdiction and in which the accused is entitled to a trial by jury. In such cases if the accused desires to have his case tried by the justice of the peace he must waive the right to the trial by jury, in writing the same as in the past and in conformance with section 13433-10, General Code.

In specific answer to your inquiry, it is my opinion that it is still necessary to waive a trial by jury before a justice of the peace to give the justice the necessary jurisdiction of the case for a final determination.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

841.

APPROVAL — BONDS OF CUYAHOGA COUNTY, OHIO,
\$10,800.00.

COLUMBUS, OHIO, July 6, 1937.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:

RE: Bonds of Cuyahoga County, Ohio, \$10,800.00.