

writing waive the right of a trial by jury and submit to be tried by the magistrate as provided in Section 13511, General Code. Where a plea of not guilty is entered, unless a waiver of trial by jury is filed, the justice of the peace likewise may only act as a committing magistrate.

Without quoting in full the provisions of Section 13511, General Code, it is sufficient to say that in cases of misdemeanor, it permits the accused to waive, in a writing subscribed by him and filed before or during the examination, the right of trial by jury and to submit to be tried by the magistrate. When the accused acts in accordance with these provisions of Section 13511, General Code, the magistrate is vested with jurisdiction to hear the cause and render final judgment.

It is my opinion that by the filing of such a waiver, the accused voluntarily submits his person to the jurisdiction of the court. The decision of the United States Supreme Court in the case of *Tumey vs. State of Ohio* would not apply in such a case because the defendant, by his own act, waives any objection that he might have made to the qualification of the magistrate to hear and determine the cause which may exist because of the magistrate's pecuniary interest. The court having both jurisdiction of the subject matter and of the person of the defendant could therefore render final judgment.

As provided in Section 12626, *supra*, it is mandatory that the arresting officer *forthwith* take a person accused of violating Sections 12603, et seq., General Code, before a justice of the peace, mayor or other magistrate, before whom he is entitled to immediate hearing. Only in the event a judicial officer is not accessible can the provisions of Section 12627, *supra*, be invoked. If the arresting officer fails to comply with the letter and spirit of these sections of the General code he may render himself liable in a civil action for false imprisonment.

Respectfully,
EDWARD C. TURNER,
Attorney General.

608.

APPROVAL, NOTES OF SCHOOL DISTRICTS IN MEIGS, MONROE AND
SCIOTO COUNTIES.

COLUMBUS, OHIO, June 13, 1927.

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

609.

GAME REFUGE LEASES—9 APPROVED—1 DISAPPROVED.

COLUMBUS, OHIO, June 13, 1927.

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

DEAR SIR:—I have your letter of April 20th, 1927, in which you enclose ten Game Refuge Leases, in duplicate, for my approval, including the following: