

2420.

APPROVAL, BONDS OF THE VILLAGE OF CHESAPEAKE, LAWRENCE COUNTY, OHIO—\$17,517.50.

COLUMBUS, OHIO, August 4, 1928.

Industrial Commission of Ohio, Columbus, Ohio.

2421.

BRIBE—FURNISHING MONEY TO A DETECTIVE TO ENTRAP COUNTY OFFICER NOT CRIMINAL—MEIGS COUNTY CASE.

SYLLABUS:

1. *Where a person furnished money to a detective to be paid to a county official as a bribe, such money actually being paid as a bribe by the detective to such county official, all of such acts being done for the purpose of entrapping the county officer, no crime is committed by the person so furnishing such money.*

2. *Where a member of a board of county commissioners, which is in the market for and is negotiating for the purchase of sand and gravel, accepts money from a detective, representing himself to be the agent of a company engaged in the business of selling sand and gravel, for the purpose of influencing such commissioner to purchase gravel from such company, the fact that such company was a fictitious company would not be a defense on an indictment for accepting a bribe, under Section 12823 of the General Code.*

COLUMBUS, OHIO, August 4, 1928.

HON. D. H. PEOPLES, *Prosecuting Attorney, Pomeroy, Ohio.*

DEAR SIR:—This will acknowledge receipt of your recent communication, which reads:

“The Meigs County Grand Jury now in session, desires the following information:

1: Can the Grand Jury indict one who has furnished money to a detective with which to trap a county official into accepting a bribe?

2: Can a county official be indicted under the following circumstances:

The Howell Sand & Gravel Company is a fictitious company; a detective representing himself to be an agent of that company made a contract with the County Commissioners setting forth that 2,800 yards of sand and gravel could be purchased from the said Howell Sand & Gravel Company; and the detective as such agent paid to the county official \$240 for approving this contract.”