

The effect of the judicial expressions on the subject is that a person, if he believe a matter is being considered by the grand jury which pertains to or involves himself criminally, may ask the grand jury to accord him the privilege to voluntarily appear before it and give testimony under oath in reference to the charge, and also request the grand jury to subpoena witnesses to testify under oath in his behalf. However, the law does not require, nor is it the duty of, a grand jury so minutely to enter into extensive hearings of cases before it as to satisfy itself of the guilt or innocence of an accused. The duty of the grand jury is only to ascertain whether there is sufficient evidence against a person to warrant his being put on trial before a petit jury, the latter of which will declare his guilt or innocence.

By way of specific answer to your questions, I am of the opinion that it is discretionary with the grand jury as to whether or not it will permit an accused to voluntarily come before it and give evidence under oath, or subpoena witnesses in his behalf, in reference to a criminal charge against him which is then under consideration by the grand jury.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3101.

APPROVAL, BONDS OF CITY OF PIQUA, MIAMI COUNTY, OHIO—
19,500.00.

COLUMBUS, OHIO, March 30, 1931.

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

3102.

BREAD LAW—EFFECT OF DECISION OF FEDERAL DISTRICT COURT
HOLDING "MAXIMUM SURPLUS TOLERANCE" PROVISIONS OF
ACT UNCONSTITUTIONAL—RESIDUE OF SUCH ACT UNAF-
FECTED.

SYLLABUS:

Effect of unconstitutionality of part of act, known as "An Act for the Regulation of Bakeries," upon the residue of the act, discussed.

COLUMBUS, OHIO, March 30, 1931.

HON. W. D. LEECH, *Chief of Division of Foods and Dairies, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—Acknowledgment is hereby made of your letter presenting the following inquiry:

"Regarding sections 1090-37 and 1090-38 of the General Code relating to loaves of bread.

There is some discussion as to the effect of Judge Killits' decision in the Federal Court at Toledo regarding these two sections of the law.

We would like to have your official opinion as to the elimination of any part or parts of these sections and as to the possibility of enforcing the balance. Some are of the opinion that Judge Killits' decision affected