

932.

APPROVAL, BONDS OF HURON VILLAGE SCHOOL DISTRICT, ERIE COUNTY, \$3,243.74, TO FUND CERTAIN INDEBTEDNESS.

COLUMBUS, OHIO, November 27, 1923.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

933.

A DEFENDANT MAY BE TRIED UNDER EITHER THE STATE LAW, FEDERAL LAW OR AN ORDINANCE, FOR MANUFACTURING LIQUOR—SECTION 6212-17 G. C. CONSTRUED.

*SYLLABUS:—*

*A defendant may be tried under either the state law, federal law, or an ordinance, for manufacturing liquor.*

*If an ordinance makes it an offense to manufacture a distilled liquor, the courts of the municipality have final jurisdiction.*

*If the charge is for manufacturing a distilled liquor and it is brought under a state or federal statute the courts of a municipality do not have final jurisdiction, and should bind over or discharge the defendant under the usual rules in such proceedings.*

*If the charge is filed under a state or federal law and is of a less degree than a felony, and it develops that a felony has been committed the court of the municipality may bind over to a court of competent jurisdiction, but the statute does not make such action mandatory.*

COLUMBUS, OHIO, November 28, 1923.

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

GENTLEMEN:—This will acknowledge receipt of your communication of October 10th, as follows:

“Section 6212-17 G. C., as amended, 110 O. L. 49, provides in part that: Except as herein provided, any person who violates the provisions of this act (G. C. Secs. 6212-13 to 6212-20), for a first offense shall be fined not less than one hundred dollars nor more than one thousand dollars; for a second offense he shall be fined not less than three hundred dollars nor more than two thousand dollars; for a third and each subsequent offense, he shall be fined not less than five hundred dollars nor more than two thousand dollars and be imprisoned in the state penitentiary not less than one year nor more than five years. Any person who in violation of this act (G. C. Secs. 6212-13 to 6212-20) manufactures distilled liquor, for a first offense shall be fined not less than five hundred dollars nor more than three thousand dollars and be imprisoned in