

ferent degrees of the same offense, such as murder in the first degree or murder in the second degree, or manslaughter, etc., where the rule might be otherwise.

In view of the foregoing and answering your question specifically I am of the opinion that:

1. The plea of former jeopardy, under the Ohio Constitution, is limited by the constitution to the "same offense."

2. Where one is tried upon an affidavit charging petit larceny, under Section 12447, General Code, and is convicted therefor, and thereafter is indicted under Section 12619-1, General Code, and interposes a plea of former jeopardy to the indictment, such plea, upon demurrer of the state, should be overruled.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1131.

APPROVAL, BONDS OF DENNISON CITY SCHOOL DISTRICT, TUSCARAWAS COUNTY, OHIO—\$24,000.00.

COLUMBUS, OHIO, October 10, 1927.

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

1132.

COUNTY DOG WARDENS—MAY GO INTO ADJOINING COUNTIES TO INVESTIGATE.

SYLLABUS:

County dog wardens and their deputies may go into an adjoining county or counties to investigate claims for damages to live stock inflicted by dogs.

COLUMBUS, OHIO, October 10, 1927.

HON. RALPH E. HOSKOT, *Prosecuting Attorney, Dayton, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter of recent date which reads as follows:

"We respectfully request your opinion upon the following question:

Section 5652-7 of the General Code has been amended by House Bill No. 164, passed on April 21, 1927, in one of the following particulars, to-wit: