

You are therefore advised that firemen of cities protected by a fund established under General Code sections 4600 et seq. or General Code sections 4647-1 et seq. are exempted from the benefits of state industrial insurance, while firemen of villages are entitled to the protection afforded by funds created under the above mentioned sections and the protection of the state industrial insurance.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

2931.

OCCUPATIONAL DISEASES—THE WORD “SKIN” AS USED IN SECTION
 1465-68a G. C. PASSED UPON.

The term “skin” as used in section 1465-68a G. C., in item 11 of the schedule thereof, is used in its common, ordinary and general sense to mean the outer covering of the body, as distinguished from the mucous membrane lining the passages connected with the alimentary tract and respiratory organs.

COLUMBUS, OHIO, March 15, 1922.

Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—Acknowledgment is made of the receipt of a request for an opinion of this department, which reads as follows:

“Re: Claim No. O. D. 102—A. D. S.
 Claim No. O. D. 28—J. M.

At a hearing of the above claims on January 31, 1922, the commission ordered that the above claims be referred to you for opinion as to construction to be given to section 11 of the Schedule of Occupational Diseases as found in section 1465-68a of the General Code.

The proof in both of these claims shows that the claimants were suffering from inflammation of the mucous lining of the throat and bronchial tubes which undoubtedly was caused from the inhaling of fumes by them while in the course of their employment.

The question here to be determined is whether section 11 of the aforesaid schedule is to be interpreted to include infections of the mucous lining of the throat, nose and bronchial tubes, or whether such infection or inflammation as specified therein is confined to the skin alone.

In view of the fact that this question is rather of a medical nature, I am enclosing for your consideration a copy of a letter from Dr. E. B. Starr of the Department of Health, addressed to the Occupational Disease Department, setting forth their views upon this question. We are also attaching copy of a supplemental statement which gives the facts as set forth.”

The question to which you direct attention, re-stated, is:

Does the word “skin,” as used in section 1465-68a, 109 O. L. 184, in paragraph 11 of the schedule therein, “Description of disease or injury,” in-

tend to include the mucous membrane or the mucous lining of the throat, nose and bronchial tubes?

Section 1465-68a G. C., in the part pertinent to this inquiry, reads:

“Every employe who is disabled because of the contraction of an occupational disease as herein defined, or the dependents of an employe whose death is caused by an occupational disease as herein defined, shall, on and after July 1, 1921, be entitled to the compensation provided by section 1465-78 to 1465-82, inclusive, and section 1465-89 of the General Code, subject to the modifications hereinafter mentioned; * * *

The following diseases shall be considered occupational diseases and compensable as such, when contracted by an employe in the course of his employment in which such employe was engaged at any time within twelve months previous to the date of his disablement and due to the nature of any process described herein.

SCHEDULE

Description of disease or injury.

* * *

11. Infection or inflammation of the skin on contact surfaces due to oils, cutting compounds or lubricants, dust, liquids, fumes, gases or vapors.
* * *

It is a rule of construction of statutory provisions that:

“The intent of the law-makers is to be sought first of all in the language employed. * * * The object of judicial investigation in the construction of a statute is to ascertain and give effect to the intent of the law-making body which enacted it.”

Slingluff vs. Weaver, 66 O. S. 621;
Black on Interpretation of Laws, Sec. 35;
Peters vs. State, 8 O. N. P. 595.

And intent will prevail over the literal meaning of the words used, which take their natural and most obvious meaning, construing each expression as far as possible so as to harmonize with all others. 12 Corpus Juris 699.

This being a general statute, the use of the word “skin” must be taken in its general or ordinary significance, rather than its technical or anatomic application. Commonly understood, the skin is the outer covering of the body. It consists of an outer coat called the cuticle or epidermis, another coat beneath called the cutis or dermis, and the subcutaneous tissue. It is that part of the body which, when removed, is called the “hide” or “skin.” It is pliable, expansive and ductile; acts as a covering for the muscular tissue, and, among other things, as a meeting point for the nerves, producing the sensation of touch or contact. The mucous membrane, on the other hand, is a tissue lining the openings of the body, and is distinguished from the external covering or skin.

It is to be observed that the phrase of the statute is “infection or inflammation of the skin on contact surfaces due to oils,” etc. “Contact” conveys the idea of touching or meeting, to impinge, that is, to have contact in relation to the motion of

the touching object to the thing touched; or it means the coincidence of one or more points of two bodies without interpenetration of the bodies. In the ordinary acceptance of the term, "skin" as used in common parlance and even in conversation among medical men refers to the outer covering of the body, not the inner surfaces of the passages to the intestinal tract or the pulmonary organs thereof.

The intent here indicated in the use of the term "skin" in the statute finds confirmation in the amendments or changes of phraseology that occurred in the shaping of the bill for its final enactment as a law.

The first measure introduced was known as House Bill 47; the bill that was enacted into a law was known as Substitute House Bill 47.

The first bill, so far as the present matter is concerned, read:

"SCHEDULE

Description of disease or injury.

11. Infection of the skin, or its *sequelae*, due to oils, cutting compounds, or lubricants.

12. Inflammation or ulceration of the skin or mucous membrane, or its *sequelae*, due to dust, liquids, fumes, gases or vapors."

Substitute House Bill No. 47, in paragraph 12 of the description of disease or injury, reads:

"12. Epithelioma cancer or ulceration of the skin or of the corneal surface of the eye due to carbon, pitch, tar or tarry compounds."

Paragraph 12 of the schedule is quoted from both bills. Observe that in the original bill the phrase is "the skin or mucous membrane," while in the bill as enacted into a law the phrase "or mucous membrane" is dropped.

The apparent intent of the law givers is to distinguish between disease of skin and mucous membrane. "Mucous membrane" by its definition is clearly a term used to convey a different idea than that conveyed by the term "skin" in either its scientific or ordinary use.

"Mucous membrane is the general lining membrane of the alimentary canal and its annexes, including the respiratory and urogenital passages."

—*Century Dictionary*.

A membrane is a thin, pliable, expansive structure of the body. The term is used in its widest sense, with little or no reference to the kind of tissue which may be concerned, the membranous quality depending upon thinness and pliability, not upon texture or fabric. No hard parts come within the definition. Membranes are divided generally into two classes—the mucous and the serous membrane.

The term "epithelioma," used in No. 12 of the schedule, is a disease that may concern the skin or the mucous membrane, and it is to be observed that by the language of the statute it is made to apply to the carcinoma of the skin.

It seems unescapable from the above facts and reasons that "skin," as used in the statute, means the outer covering of the body in its common, ordinary or vernacular sense, in contradistinction to the mucous membrane or lining of the alimen-

tary or respiratory openings of the body, such as the nasal passages, throat, trachea, and bronchial tubes.

It is therefore the opinion of this department that "skin" as employed in the law intends to refer to the outer covering of the body only, and is used in its ordinary or common meaning, not referring to the mucous membrane lining the passages of the nose, throat or bronchial tubes.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

2932.

GRISWOLD ACT—MUNICIPAL CORPORATIONS AUTHORIZED TO MEET DEFICIENCIES IN CURRENT OPERATING REVENUES UNDER HOUSE BILL 4 (109 O. L. 17)—EFFECT OF GRISWOLD ACT (109 O. L. 336) ON ABOVE MENTIONED LAW—SEE ALSO OPINION NO. 2984, APRIL 13, 1922, p. —, MODIFYING AND SUPPLEMENTING THIS OPINION.

1. *The initial proceedings under House Bill No. 4, 109 O. L. 17, looking toward the borrowing of money to meet deficiencies in the current operating revenues of a municipal corporation for the year 1921 must have been taken during that calendar year.*

2. *Municipalities are not authorized by section 3916 of the General Code, as amended 109 O. L. 346, to borrow money to pay anticipated deficiencies in current operating revenues.*

3. *The amendment and re-enactment of sections 4506 and 4513 of the General Code in House Bill 33, 109 O. L. 336, does not have the effect of removing all interest and sinking fund levies on account of bonds issued prior to January 1, 1922, from the limitations of the Smith One Per Cent law, sections 5649-1 et seq. of the General Code.*

COLUMBUS, OHIO, March 15, 1922.

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

GENTLEMEN:—The bureau submits for the opinion of this department the following questions relative to the application and interpretation of the so-called Griswold Act (109 O. L. 348):

"We are in receipt of many inquiries relative to construction of the sections of the Griswold act, and will accordingly appreciate your opinion thereon. House Bill No. 4 (109 O. L. 17) is 'An act to authorize the taxing authorities of municipal corporations to fund deficiencies in operating revenues for the year 1921, issue bonds and to levy taxes for such purposes and to declare an emergency.' This act was filed in the office of the Secretary of State February 24, 1921.

Section 3916 G. C., as amended, 109 O. L. 339, provides that:

'For the purpose of extending the time of payment of any indebtedness created or incurred before the first day of January, 1924, which from its