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TIME, STANDARD THROUGHOUT STATE — ONE HOUR ADVANCED FROM MEAN ASTRONOMICAL TIME OF 75TH DEGREE, LONGITUDE WEST FROM GREENWICH — BEGAN 2:00 A. M. FEBRUARY 9, 1942 — TO CONTINUE PERIOD STATED. PUBLIC LAW 403-77 CONGRESS, CHAPTER 7, SECOND SESSION, APPROVED JANUARY 20, 1942.

ALL CLOCKS, PUBLIC BUILDINGS, SHALL BE SO SET AND RUN — COURTS, BANKS, PUBLIC OFFICES, LEGAL OFFICIAL PROCEEDINGS SHALL BE REGULATED THEREBY — ACT PERFORMED AT OR WITHIN PRESCRIBED TIME — ANY LAW, SYLLABUS:

Beginning at two o'clock antemeridian, on February 9, 1942, and continuing for the period provided for in Public Law 403, 77th Congress, Chapter 7, second session, approved January 20, 1942, the standard of time throughout this state shall be one hour advanced from the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich, and all clocks maintained in and upon public buildings shall be set and run in accordance therewith, and courts, banks, public offices and legal official proceedings shall be regulated thereby, and when by RULE, ORDER OR PROCESS OF ANY AUTHORITY CREATED BY OR PURSUANT TO LAW, SHALL BE GOVERNED BY SUCH STANDARD OF TIME.

a law, rule, order or process of any authority created by or pursuant to law, an act must be performed at or within a prescribed time. it shall be so performed according to such standard of time.

Columbus, Ohio, February 6, 1942.

Hon. Marvin A. Kelly, Prosecuting Attorney,
Portsmouth, Ohio.

Dear Sir:

Your request for my opinion reads as follows:

“It is the desire of the county officials to cooperate with the Federal Government as to the advancement of the clocks beginning February 9th, and my question is as follows:

‘May the clocks and the time kept and maintained as provided in General Code Sec. 5979 be changed to comply with the request of the Federal Government?’ ”

Section 5979 of the General Code, to which you refer, became effective on June 6, 1927, and reads as follows:

“The standard of time throughout this State shall be that of the seventy-fifth meridian of longitude west from Greenwich and shall be known as ‘eastern standard time.’ Courts, banks, public offices, and legal official proceedings shall be regulated thereby; and when, by a law, rule, order or process of any authority, created by or pursuant to law, an act must be performed at or within a prescribed time, it shall be so performed according to such standard of time.

All clocks maintained in or upon public buildings shall be set and run according to the provisions of this act.”

Public Law 403, 77th Congress, Chapter 7, 2d Session, approved January 20, 1942, reads as follows:

“AN ACT

To promote the national security and defense by establishing daylight saving time.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That beginning at 2 o'clock antemeridian of the twentieth day after the date of enactment of this Act, the standard time of each zone established pursuant to the Act entitled ‘An act to save daylight and to provide standard time for the United States,’ approved March 19, 1918, as amended, shall be advanced one hour.

SEC. 2. This act shall cease to be in effect six months after the termination of the present war or at such earlier date as the Congress shall by concurrent resolution designate, and at 2 o'clock antemeridian of the last Sunday in the calendar month following the calendar month during which this Act ceases to be in effect the standard time of each zone shall be returned to the mean astronomical time of the degree of longitude governing the standard time for such zone as provided in such Act of March 19, 1918, as amended.”

Sections 1, 2 and 4 of the “Act to save daylight and to provide standard time for the United States,” referred to in the first section of the above quoted Act, have been codified as sections 261, 262 and 263 of Title 15, U.S.C. Section 3 of such Act, which provided for the advancement of the clock one hour during the period from the last Sunday of March to the last Sunday of October in each year, has since been repealed (41 Stat. 80).

Sections 261, 262 and 263 of Title 15, U.S.C. read as follows:

Section 261.

“For the purpose of establishing the standard time of the United States, the territory of continental United States shall be divided into five zones in the manner provided in this section. The standard time of the first zone shall be based on the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich; that of the second zone on the ninetieth degree; that of the third zone on the one hundred and fifth degree; that of the fourth zone on the one hundred and twentieth degree; and that of the fifth zone, which shall include only Alaska, on the one hundred and fiftieth degree. The limits of each zone shall be defined by an order of the Interstate Commerce Commission, having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in commerce between the several States and with foreign nations, and such order may be modified from time to time. (Mar. 19, 1918, c. 24, Sec. 1, 40 Stat. 450.)”

Section 262.

“Within the respective zones created under the authority of this subdivision of this chapter the standard time of the zone shall govern the movement of all common carriers engaged in commerce between the several States or between a State and any of the Territories of the United States, or between a State or the Territory of Alaska and any of the insular possessions of the United States or any foreign country. In all statutes, orders, rules and regulations relating to the time of performance of any act by any officer or department of the United States, whether in the legislative, executive, or judicial branches of the Government, or relating to the time within which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the United States, it shall be understood and intended that the time shall be the United States standard time of the zone within which the act is to be performed. (Mar. 19, 1918, c. 24, Sec. 2, 40 Stat. 451.)”

Section 263.

“The standard time of the first zone shall be known and designated as United States standard eastern time; that of the second zone shall be known and designated as United States standard central time; that of the third zone shall be known and designated as United States standard mountain time; that of the fourth zone shall be known and designated as United States standard Pacific time; and that of the fifth zone shall be known and designated as United States standard Alaska time. (Mar. 19, 1918, c. 24, sec. 4, 40 Stat. 451.)”

From the above it is to be observed that the Congress, in fixing the standard time of the first zone, stated that such time “shall be *based* on the mean astronomical time of the 75th degree of longitude west from

Greenwich” and that the standard time of such zone shall be known and designated as “United States standard eastern time.” It is significant to note that the standard time is based on the mean astronomical time and is not the mean astronomical time. In other words, while “standard eastern time” is based on the astronomical time of the seventy-fifth degree of longitude west from Greenwich, it need not necessarily coincide therewith.

Prior to the enactment of Public Law 403, *supra*, the only provision in the United States statutes with respect to the standard of time for the different zones was contained in section 261, *supra*, and consequently, until said section was amended by Public Law 403, the term “standard eastern time” was synonymous with the expression “the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich.” However, on and after two o’clock antemeridian, February 9, 1942, and during the period of time set out in Public Law 403, standard eastern time while still based on “the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich,” will be one hour advanced therefrom.

Returning to section 5979, General Code, it will be observed that said section provides that the standard of time throughout this state shall be known as “eastern standard time.” From this it might be logically inferred that when the General Assembly of Ohio named “eastern standard time” as the standard of time of this state, that body intended thereby to adopt the standard of time designated by the Congress of the United States as the standard time of the first zone, to-wit, “United States standard eastern time.”

Therefore, it would seem to follow that whatever time is designated by the Congress as the standard time of the first zone shall be the “eastern standard time” designated by the General Assembly of Ohio as the standard of time of this state. Consequently, when the “United States standard eastern time” is advanced one hour on February 9 of this year, the “eastern standard time” adopted by our state will in accordance therewith likewise be advanced one hour.

It is also important to note that section 5979 of the General Code does not specify that the standard of time throughout this state shall be the mean astronomical time of the seventy-fifth degree of longitude

west from Greenwich, but designates the words "the standard of time throughout this state shall be *that* of the seventy-fifth degree of longitude west from Greenwich."

The subject of the above sentence is "standard of time" and the antecedent of the pronoun "that" is the noun "standard." Consequently, if the antecedent noun is substituted for the pronoun, such sentence would read "the standard of time throughout this state shall be the standard of time of the seventy-fifth meridian."

What is the standard of time of the seventy-fifth meridian, or rather, what was the standard of time of the seventy-fifth meridian at the time of the enactment of section 5979, General Code?

While it is true that the astronomical time of such meridian is determined from the angle of reflection of the sun's rays at a point or points on such meridian, it must also be borne in mind that the "only standard of time of such meridian" which existed at the time said statute was passed, was the standard of time fixed therefor by the Congress of the United States on March 19, 1918, to-wit, the standard of time of the first zone *based on the mean astronomical* time of the seventy-fifth degree of longitude west from Greenwich and designated by the Congress as "United States standard eastern time."

I am therefore obliged to conclude that when, on February 9 of this year, the standard of time of the first zone is advanced one hour from the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich, United States standard eastern time, together with the standard of time of the seventy-fifth meridian referred to in section 5979 of the General Code and designated therein as "eastern standard time," will likewise be advanced one hour. While the language of Public Law 403, *supra*, does not expressly recite that the same was enacted in the exercise of the war power of Congress, nevertheless the context thereof clearly indicates that said Act is a war measure calculated to facilitate production and conserve natural resources and thereby promote the national security and defense, and I am therefore disposed to accord the law of our state a most liberal construction to the end that full and complete cooperation between the state of Ohio and our Federal Government may be effectuated.

It is therefore my opinion that, beginning at two o'clock ante-

meridian, on February 9, 1942, and continuing for the period provided for in Public Law 403, 77th Congress, Chapter 7, second session, approved January 20, 1942, the standard of time throughout this state shall be one hour advanced from the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich, and that all clocks maintained in and upon public buildings shall be set and run in accordance therewith, and courts, banks, public offices and legal official proceedings shall be regulated thereby, and when by a law, rule, order or process of any authority created by or pursuant to law, an act must be performed at or within a prescribed time, it shall be so performed according to such standard of time.

Respectfully,

THOMAS J. HERBERT
Attorney General.