

1899.

APPROVAL, CONTRACT BETWEEN DIRECTOR OF HIGHWAYS AND THE  
NORFOLK & WESTERN RAILROAD COMPANY FOR CONSTRUCTION  
OF A GRADE SEPARATION PROJECT ON STATE HIGHWAY No. 123  
IN SCIOTO COUNTY.

COLUMBUS, OHIO, May 23, 1930.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my consideration, form of proposed contract to be entered into by and between the Director of Highways and the Norfolk & Western Railroad Company, relative to the construction of a grade separation project on State Highway No. 123 in Scioto County.

Upon consideration, it is my opinion that when said form of contract is properly executed, the same will comply with the statutes as to form and legality.

Said form is being returned herewith.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

1900.

FINES—RESULTING FROM VIOLATION OF SECTION 6212-40, GENERAL  
CODE, CONCERNING POOL ROOMS, ETC.—NOT DISTRIBUTED AS  
FINES AND FORFEITED BONDS OF PROHIBITION LAW VIOLATORS.

SYLLABUS.

*The provisions of Section 6212-19 of the General Code have no application to the distribution of fines collected for violations of Section 6212-40 of the General Code.*

COLUMBUS, OHIO, May 23, 1930.

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

GENTLEMEN:—I am in receipt of your letter of recent date which is as follows:

“Section 6212-40, 6212-41 and 6212-42, G. C., are part of an act passed in 109 O. L., page 49.

Section 6212-19, G. C., as amended 112 O. L., page 260, provides for the disposition of fines and forfeitures collected for violation of the state prohibition laws.

Question 1. Are the fines collected for violation of Section 6212-40, G. C., to be distributed as provided in Section 6212-19, G. C.?”

Section 6212-19 of the General Code provides as follows:

“Money arising from fines and forfeited bonds shall be paid one-half into the state treasury credited to the general revenue fund and \* \* \* one-half into the county treasury credited to the county general fund.

Provided, however, that in state cases prosecuted in any duly constituted municipal court one-half of the money arising from such fines and forfeited bonds shall be credited to the general fund of the municipality in which such municipal court is established.”

This section was first enacted on January 20, 1920, as part of the act commonly known as the Second Crabbe Act. It was amended to read in its present form on April 21, 1927.

Sections 6212-40, 6212-41 and 6212-42 of the General Code were enacted as original legislation March 12, 1921, (109 O. S. 49), and constitute the whole of amended Senate Bill No. 37. The bill was entitled, "An act to prohibit the obstruction of the view of the interior of pool rooms, billiard parlors, and soft drink places". The bill as enacted was numbered sections 1, 2, 3 and 4, without any General Code numbers, and contained no reference to the General Code by title, division, chapter or section. The sectional numbers were designated by the Attorney General in accordance with the authority granted him by the provisions of Section 342-1 of the General Code. Section 6212-19 and Sections 6212-40, 6212-41 and 6212-42 now appear in the General Code under subdivision XIII, entitled "Enforcement of prohibition". While these sectional numbers, as they now appear in the code, seem to indicate that Sections 6212-40 to 6212-42, inclusive, are supplementary to the Crabbe Act, this is not significant in determining the scope of this legislation, because the sectional numbers were designated by the Attorney General.

In the case of *Southern Surety Company vs. Standard Slag Company*, 117 O. S. 512, the court held, as shown by the third branch of the syllabus, as follows:

"Where the Legislature enacts a law and gives such law no code number or numbers, and the Attorney General, in pursuance to his statutory duty, assigns to such law a general code number or numbers, such assignment of the number or numbers is not significant in determining the scope of such legislation."

There is nothing in the provisions of Sections 6212-40 to 6212-42, inclusive, nor in the position of these sections in the General Code, which indicates that it was the intention of the Legislature that the provisions of Section 6212-19, General Code, should be applicable to these sections.

Therefore, I am of the opinion that the provisions of Section 6212-19 of the General Code have no application to the distribution of fines collected for violations of Section 6212-40 of the General Code.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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1901.

APPROVAL, BONDS OF WHEELING TOWNSHIP RURAL SCHOOL DISTRICT, BELMONT COUNTY—\$14,000.00.

COLUMBUS, OHIO, May 23, 1930.

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