

for the existing law and since the statutes, as amended, were declared unconstitutional and void in the "Thrasher" case, *supra*, the formal repealing clause in section 14 of House Bill No. 40, purporting to repeal sections 6291 and 6309-2, General Code, must also be held invalid, since it not only does not "clearly appear that the General Assembly would have passed the repealing clause, regardless of whether it had provided a valid substitute for the act repealed", but it is manifest that the General Assembly would not have repealed section 6291, providing the tax levy upon the operation of motor vehicles upon the public roads and highways in this state, and section 6309-2, General Code, providing for 100 per cent distribution of license tax revenue, unless there was a valid substitute for the acts repealed.

Consequently, in specific answer to your inquiry, it is my opinion that sections 6291 and 6309-2, General Code, as they existed prior to their purported amendment and repeal in House Bill No. 40, enacted in the regular session of the 91st General Assembly (116 O. L., 561), are still in full force and effect.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5349.

APPROVAL—CERTIFICATE OF AMENDMENT TO ARTICLES
OF INCORPORATION OF THE INLAND CASUALTY COM-
PANY.

COLUMBUS, OHIO, April 13, 1936.

HON. GEORGE S. MYERS, *Secretary of State, Columbus, Ohio.*

DEAR SIR: I have examined the certificate of amendment to the articles of incorporation of The Inland Casualty Company, and finding the same not to be inconsistent with the Constitution or laws of the United States or of the State of Ohio, I have endorsed my approval thereon.

Respectfully,

JOHN W. BRICKER,
Attorney General.