such subdivision to deduct these charges from the funds derived from the special levies provided for by virtue of Sections 4605 and 4621, General Code, referred to supra. Since no particular fund is mentioned in the statutes it would appear that such expenses should be paid from the general fund of the subdivisions.

With reference to special levies, such as the special levies provided in and by virtue of Sections 4605 and 4621, General Code, Section 5625-9, General Code, specifically provides in part:

> "Each subdivision shall establish this following funds:
> * * * * * * * * *
> (d) A special fund for each special levy.
> * * * * * * * * * "

Section 5625-10, General Code, provides in part:

> "* * * Money paid into any fund shall be used only for the purposes for which such fund is established."

Although your request does not raise the question your attention is directed to the provisions of House Bill No. 492, enacted in the regular session of the 90th General Assembly. (See Sections 5625-13a to 5625-13g, inclusive, General Code). By virtue of these provisions public funds may be transferred from one fund to another fund by the taxing authorities of any political subdivision except the proceeds or balances of loans, bond issues, or special levies for the payment thereof if certain procedure is followed including the approval of the Tax Commission and of the Common Pleas Court of the county.

However, specifically answering your question it is my opinion that the revenue derived from the levies provided in and by Sections 4605 and 4621, General Code, cannot be used for expenses incurred by the Tax Commission of Ohio under Section 5624-7, General Code, expenses incurred by the Board of Elections under Section 4785-20, General Code, and the state examination expenses under Section 288, General Code.

Respectfully,
JOHN W. BRICKER,
Attorney General.

4023.

RUMEX SPECIES—DEFINED AS NOXIOUS WEEDS BY SECTION 5805-3, G. C., WHICH INCLUDES SHEEP SORREL.

SYLLABUS:

The words "Rumex species," as the same appear in section 5805-3 of the General Code, include all of the Rumex species, both docks and sorrel, and Rumex Acetosella, commonly known as sheep sorrel, is defined as a noxious weed by section 5805-3, General Code, supra.

COLUMBUS, OHIO, March 7, 1935.

HON. EARL H. HANEFELD, *Director, Department of Agriculture, Columbus, Ohio.*

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

"Will you please give the Department of Agriculture your opinion on the following legal questions which relate to the Agricultural Seed Law in Ohio, Section 5805-1 to 15 G. C.

Under Section 5805-3, G. C. Sec. 3 the legislature defines the term "noxious weeds." Included in the term "noxious weeds" is the term "Docks" (Rumex species).

The question which arises is whether the term "docks" includes only the Rumex species, which are generally considered docks or whether the specific setting out of the term Rumex species, without exception, shall include all of the Rumex species regardlesss of whether they are docks or not.

It is the contention of Eastern seed dealers, who are shipping imported timothy into the State of Ohio, that the listing of Sheep Sorrel (Rumex acetosella on the shipping tags, is not required because it is not a dock within the definition of the Ohio Agricultural Seed Law.

It has been assumed, during the past fifteen years or since the effective date of the seed law, in making reports from the State Seed Laboratory that Rumex Acetosella and Rumex asetosa were noxious weeds."

Section 5805-2 of the General Code reads in part as follows:

"Every lot of agricultural seeds, as defined in section one of this act, except as herein otherwise provided, when in quantities of ten pounds or more, except in case of rape when one pound or more shall be the quantity requiring a label, shall have affixed thereto in a conspicuous place on the exterior of each container of such agricultural seeds, a plainly written or printed tag or label in the English language stating:

* * * * * * * * *

(c) The approximate total percentage of weight of weed seed; the term 'weed seeds' as herein used being defined as the noxious weed seeds listed in section three and all seeds not listed in section one as agricultural seeds."

Section 5805-3 of the General Code, which defines "noxious weeds" reads in part as follows:

"The term 'noxious weeds' as used in this act shall include Canada thistle (Cirsium arvense), wild onion (Allium vineale), quack grass (Agropyron repens), dodders (Cuscuta species), plantains (Plantago species), wild carrot (Daucus carota), oxeyedaisy (Chrysanthemum leucanthemum), corn cockle (Agrostemma githargo), docks (Rumex species), chicory (Chichorium intybus). * * * "

The precise question presented by your inquiry is whether or not sheep sorrel is defined as a noxious weed by section 5805-3, General Code, supra. Said section provides that the term "noxious weeds" shall include "docks" (Rumex species). Webster's New International Dictionary defines the word "Rumex" as follows: "A large genus of polygonaceous plants, natives mainly of north temperate regions. * * * The species of the subgenus Acetosa are called sorrel; the remaining species are known as docks." The word "dock" is defined as "any plant of the genus Rumex." A "dock" is defined in the Century Dictionary as follows:

"The common name of those species of Rumex which are characterized by little or no acidity and the leaves of which are not hastate. (Hastate—Spear shaped—Rumex Acetosella, the sheep sorrel furnishes typical example."

A more comprehensive treatment is given the subject in L. Bailey's Standard Cyclopedia of Horticulture. A "dock" is defined therein as follows:

> "A name applied to various species of Rumex (Polygonaceas). The commonest species—growing in fields and yards—are the curled or narrow-leaved dock (R. crispus, Linn.) and the bitter or broad-leaved dock (R. obtusifolius, Linn. These are introduced from the Old World. Several species are native. (See Rumex)."

In the same work, under the title "Rumex," is found the following:

> "Polygonaceae. Dock, Sorrel. Herbs, mostly perennial with strong roots, usually weedy, but some of them afford leaves for 'greens,' and others are useful for bold effects. * * *
>
> A. Docks: leaves not hastate: Flowers perfect, or at least not truly dioecious (sometimes polygamodioecious).
>
> AA. Sorrels: leaves mostly (at least the radical ones) hastate or aggittate: flowers imperfect, the plants sometimes dioecious.
>
> Acetosella, Linn. Common Field or Sheep Sorrel. Common in all old fields, where it is taken to indicate sterile or at least unproductive soil: leaves oblong, from a hastate-lobed base: flowers reddish, in erect racemes. Eu. Not cult., but the sour root-leaves are sometimes used for greens."

From the above, it would appear that the species "Rumex" embodies both docks and sorrels, that "sheep sorrel" (Rumex Acetosella) while sometimes regarded as a dock, is however, classified as a sorrel of the Rumex species.

The statute contains both the words "dock" and "Rumex" species. It is the fundamental principle of statutory construction that every word of the statute should be given its full meaning, unless restrained by the context of the statute. There is nothing in the subject matter of the statute which would indicate the exclusion of the words "Rumex species." Can it be said that these words are to be disregarded, or read out of the statute by reason of the fact that they are enclosed in paranthesis?

The word "parenthesis" is defined in Webster's New International Dictionary as a form of punctuation. As a rule, punctuation is entitled to but little weight in the construction of statutes. It is stated in *Shriedley* vs. *The State of Ohio,* 23 O. S. 131, that:

> "Punctuation may always be disregarded, or made to conform to the clear meaning and intention of the statute."

In the case of *Albright* vs. *Payne,* 45 O. S. 8, it was held as disclosed by the syllabus, that:

> "In construing a statute, punctuation may aid, but does not control unless other means fail; and in rendering the meaning of a statute, punctuation may be changed or disregarded."

Again, in the case of *Slingluff, et al.,* vs. *Weaver, et al.,* 66 O. S. 621, it was declared:

> "In construing a statute, punctuation may be changed or disregarded. It will not, ordinarily, control unless other means fail. At the same time it is more or less to be relied upon in ascertaining the meaning intended. The presence of a comma, in one place or another, would not be allowed to subvert the obvious meaning of a sentence. On the other hand, it would not without reason appearing for it, be disregarded. If that which appears to have been the general purpose of the legislature is as well effectuated by reading the statute exactly as it has been caused to be printed, as it would be by changing it, even as to punctuation, no adequate motive is present moving to the change."

In light of the foregoing, it would appear that the words "Rumex species" should be included in the definition. So regarded, we are concerned with a statute in which general words follow a designation of a particular class, and the rule of "ejusdem generis" must be considered. While the rule of ejusdem generis requires that when general words follow particular and specified words, the former must be confined to things of the same kind, yet it is otherwise when this rule would leave the general words without effect.

In Lewis' Sutherland Statutory Construction, page 831, it is stated:

> "Where the result of thus restricting the general words would be that they would have no effect at all, they must be extended to things superior in quality to those enumerated. This naturally proceeds from the rule of construction to give effect to all of the words of a statute if possible, so that none will be void, superfluous or redundant."

Again, at page 834, it is stated:

> "The general object of an act sometimes requires that the final general term shall not be restricted in meaning by its more specific predecessors. So the restriction of general words * * * must not be carried to such an excess as to deprive them of all meaning. * * * If the particular words exhaust the whole genus, general words must refer to some larger genus. * * * The general words are not to be rejected and the maxim ejusden generis must yield to the maxim that every part of a statute should be upheld and given its appropriate effect, if possible. * * * Hence, though a general term follows specific words, it will not be restricted by them when the object of the act and the intention is that the general word shall be understood in its ordinary sense."

You state in your communication that it has been assumed during the past fifteen years, by the Department of Agriculture, in making reports from the State Seed Laboratory, that Rumex acetosella are noxious weeds. In regard thereto, it is pertinent to state that the construction placed by the Department of Agriculture upon the words in question is not to be lightly considered. It is a long established rule that courts will resort to administrative or departmental construction as an aid of interpretation. A practical construction of long standing, by those for whom the law was enacted, commands the attention of the courts and will be followed unless it clearly appears to be wrong. It is stated in Lewis' Sutherland Statutory Construction, page 889, that:

> "The practical construction given to a doubtful statute by the department or officers whose duty it is to carry it into execution is entitled to great weight

and will not be disregarded or overturned except for cogent reasons, and unless it is clear that such construction is erroneous."

In Ohio Jurisprudence, Volume 37, page 698, it is observed:

"In interpreting a statute, it is a well-settled rule that a resort may, under proper circumstances, be had to the construction given thereto by those charged with its execution and application, especially where it has long prevailed. Judicial notice may be taken of such constructions for such purpose.

The construction placed upon a statute by executive departments or bureaus is not only persuasive, but is entitled to great respect and should, perhaps, be regarded as decisive in a case of doubt or where the obligation imposed or the duty enjoined is not plain and specific."

The above text is supported by the following cases:

State ex rel. Crabbe vs. *Middletown Hydraulic Co.,* 114 O. S. 437;
State ex rel. Woodmen Acci. Co. vs. *Conn.,* 116 O. S. 127;
State ex rel. Johnson & H. Co. vs. *Safford,* 117 O. S. 576;
State ex rel. Automobile Mach. Co. vs. *Brown,* 121 O. S. 73;
State vs. *Evans,* 21 O. App. 168;
State ex rel. Meck vs. *Deputy State Supers.,* 111 O. S. 203.

It would therefore appear that the words "Rumex species" when viewed in the light of all the rules of statutory construction, should be construed so as to embrace all plants of the Rumex species, as well as those generally known as "docks."

It is therefore my opinion, in specific answer to your question, that the words "Rumex species," as the same appear in section 5805-3 of the General Code, include all of the Rumex species, both docks and sorrel, and that Rumex Acetosella, commonly known as sheep sorrel, is defined as a noxious weed by section 5805-3, General Code, supra.

Respectfully,
JOHN W. BRICKER,
Attorney General.

4024.

DISCUSSION AND FINDING OF ERROR IN DESCRIPTION OF PROPERTY INTENDED TO BE CONVEYED BY FORMER DEED EXECUTED TO ONE FREDERICK HAEHNLE OF CINCINNATI, OHIO, AND APPROVAL OF NEW DEED CORRECTING SUCH ERROR, ETC.

COLUMBUS, OHIO, March 7, 1935.

HON. JOSEPH T. TRACY, *Auditor of State, Columbus, Ohio.*

DEAR SIR:—The Superintendent of Public Works as Director of said Department has submitted to me certain files relating to the application of one Frederick Haehnle of Cincinnati, Ohio, for a corrected deed by which there will be conveyed to him that part of parcel No. 17 of surplus Miami and Erie Canal lands in the city of Cin-