

“When a statute defining an offense, designates one class of persons as subject of its penalties, all other persons are deemed to be exempted.”

So it is with a place of business. When certain places or businesses are enumerated in a criminal statute, all other places and businesses are excluded from its operation.

When Regulation No. 201 included restaurants, and hotel kitchens, it surely excluded dining cars. Restaurants and hotel kitchens occupy definite niches and have distinct meanings. A dining car occupies a different niche and likewise has a distinct meaning. Dining cars were not strangers to the members of the General Assembly or Public Health Council in 1925, as they had been in use for more than a half-century and if the General Assembly and Public Health Council had intended that dining cars should be regulated, they could have said so and not having said so, I must conclude that dining cars are not included within the regulation in question.

From all the authorities I have been able to discover I evolve one safe rule to follow in the construction of criminal statutes, namely, a criminal statute has no spirit and unless an alleged offense comes within its letter, it cannot be brought within its provisions by any rational process of reasoning.

Answering your specific question, I am of opinion that Regulation No. 201 as promulgated by the Public Health Council in 1925, has no application to dining cars.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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1013.

APPROVAL—BONDS OF MAPLE HEIGHTS VILLAGE SCHOOL  
DISTRICT, CUYAHOGA COUNTY, OHIO, \$4,000.00.

COLUMBUS, OHIO, August 16, 1937.

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

RE: Bonds of Maple Heights Village School Dist., Cuyahoga County, Ohio, \$4,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above school district dated April 1, 1930. The transcript relative to this issue was approved by this office in an opinion rendered to your board under date of August 3, 1936, being Opinion No. 5921.

It is accordingly my opinion that these bonds constitute a valid and legal obligation of said school district.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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1014.

APPROVAL—BONDS OF CITY OF EUCLID, CUYAHOGA  
COUNTY, OHIO, \$9,000.00.

COLUMBUS, OHIO, August 16, 1937.

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

RE: Bonds of City of Euclid, Cuyahoga County, Ohio,  
\$9,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated October 1, 1932. The transcript relative to this issue was approved by this office in an opinion rendered to the Industrial Commission under date of November 20, 1935, being Opinion No. 4909.

It is accordingly my opinion that these bonds constitute a valid and legal obligation of said city.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*