

the limitation placed upon the deposit of county moneys" and not to narrow the same. It seems clear that the intent of the legislature, as shown by the enactment of the section in its identical terms with the exception of the changes above pointed out and by the title of the act, was *not* to make any change as to the eligibility of banks which might be designated as depositaries for public funds but only (1) to change the requirement that active depositaries be located in the county seat to the provision that at least one of the active depositaries must be so located, thus permitting banks in the county outside the county seat to bid, and (2) further to permit, under the circumstances prescribed, one bank to receive an amount not to exceed five million dollars instead of an amount not exceeding one million dollars as theretofore provided.

As stated in 36 Cyc. 1164:

*"Amendments are to be construed together with the original act to which they relate as constituting one law; and also together with other statutes on the same subject, as part of a coherent system of legislation. The old law should be considered, the evils arising under it, and the remedy provided by the amendment, and that construction of the amended act should be adopted which will best repress the evils and advance the remedy. Words used in the original act will be presumed to be used in the same sense in the amendment. * * * The original provisions appearing in the amended act are to be regarded as having been the law since they were first enacted, and as still speaking from that time; while the new provisions are to be construed as enacted at the time the amendment took effect. It will be presumed that the legislature, in adopting the amendment, intended to make some change in the existing law, and therefore the courts will endeavor to give some effect to the amendment. A change of phraseology from that of the original act will raise the presumption that a change of meaning was also intended; * * *"* (Italics the writers').

From what has been said, since by the passage of the act of March 22, 1921, (109 v. 71) it seems clear that the legislature only intended to amend the existing law in the two particulars above indicated, no change having been made of the provisions of Section 710-84, supra, it is my opinion that by virtue of the provisions of Sections 710-84 and 2715 of the General Code, unincorporated banks are eligible to bid therefor and be designated as depositaries of county funds.

Respectfully,
EDWARD C. TURNER,
Attorney General.

839.

CENSORSHIP—IT WOULD CONSTITUTE AN ABUSE OF DISCRETION TO PASS A MOTION PICTURE FILM WHICH HAS BEEN BOOT-LEGGED INTO OHIO IN VIOLATION OF FEDERAL LAW.

SYLLABUS:

It would constitute an abuse of discretion to pass a motion picture film which

has been bootlegged into this state in violation of Section 6454, U. S. Compiled Statutes (Section 405 of the Code of Laws of the U. S. A.)

COLUMBUS, OHIO, August 6, 1927.

HON. J. L. CLIFTON, *Director of Education, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your communication reading as follows:

“In the past motion picture films have been brought into this state in violation of Section 6454, U. S. Compiled Statutes (or Section 405, New U. S. Statutes), which section prohibits the interstate transportation of prize fight films. Is it lawful for the Division of Film Censorship of the Department of Education to accept such pictures for censorship and to proceed to issue a certificate of approval if such pictures are found not intrinsically objectionable?”

Section 154-26, General Code, reads as follows:

“The following offices, boards, commissions, arms and agencies of the state government heretofore created by law are hereby abolished:

* * * * *

The board of censor of motion picture films under the authority and supervision of the Industrial Commission of Ohio.

* * * * *

Section 154-46, General Code, reads as follows:

“The department of education shall have all powers and perform all duties vested by law in the Industrial Commission of Ohio and the board of censors of motion picture films by Sections 871-48—871-53, both inclusive. of the General Code.”

Section 871-48, General Code, reads in part as follows:

“It shall be the duty of the board of censors to examine and censor as herein provided, all motion picture films to be publicly exhibited and displayed in the State of Ohio * * * .”

Section 871-49, General Code, reads in part as follows:

“Only such films as are in the judgment and discretion of the board of censors of a moral, educational or amusing and harmless character shall be passed and approved by such board.”

The question to be determined, therefore, is:

Can a prize fight film which has been bootlegged into this state in violation of Federal law be either of a moral, educational, or amusing and harmless character?

The mere statement of the question in this form is sufficient for its own answer.

Philosophers agree that without obedience to its laws no government can long survive.

Montesquieu in his Spirit of the Laws said:

“There is no great share of probity necessary to support a monarchical or despotic government. The force of laws in one, and the prince’s arm in the other, are sufficient to direct and maintain the whole. But in a popular state, one spring more is necessary, namely, virtue.”

Walter Bagehot, in his work on the English Constitution, published in 1893, said:

“The Americans now extol their institutions, and so defraud themselves of their due praise. But if they had not a genius for politics; if they had not a moderation in action singularly curious where superficial speech is so violent; if they had not a regard for law, such as no great people have yet evinced, and infinitely surpassing ours,—the multiplicity of authorities in the American Constitution would long ago have brought it to a bad end.”

While a tremendous change has come over the people of this country since Mr. Bagehot wrote, due perhaps to the law’s invasion of the field of morals, yet the duty of all officials is clear—to uphold the laws of the land until changed by due legislative authority.

Pages might be written demonstrating that a film which is brought into this state in defiance of law is neither of a moral, educational, amusing nor harmless character.

Specifically answering your question. I am of the opinion that it would constitute a clear abuse of your discretion to pass a motion picture film which has been brought into this state in violation of Section 6454 of the United States Compiled Statutes (Section 405 of the Code of Laws of the U. S. A.).

Respectfully,
EDWARD C. TURNER,
Attorney General.

840.

SANITARY DISTRICT ACT—MAY MAKE LEVY OUTSIDE 15 MILL LIMITATION—PROCEDURE AND LEVY EXEMPT FROM HOUSE BILL NO. 80, 87TH GENERAL ASSEMBLY, IF LEVY WAS TAKEN PRIOR TO FILING OF SAID BILL.

SYLLABUS:

Under the provisions of the Sanitary District Act (Sections 6602-34 to 6602-106, General Code) a levy may be made outside the 15 mill limitation; and when procedure for said levy was taken prior to the filing of House Bill No. 80 in the office