

the Constitution, and under these circumstances it is not my province to advise you to disregard this statute.

In view of the foregoing, I am impelled to state that in my opinion villages have no authority to compensate their council at a rate in excess of the amount set forth in Section 4219, General Code.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

2828.

WILBERFORCE UNIVERSITY—UNDER SECTION 7980, GENERAL CODE,
 TRUSTEES OF COMBINED NORMAL AND INDUSTRIAL DEPARTMENT
 REQUIRED TO MEET ON DATES PRESCRIBED THEREIN

SYLLABUS:

The terms of Section 7980, General Code, wherein it directs the trustees of the Combined Normal and Industrial Department of Wilberforce University to hold two regular meetings per year on the third Thursday in June and the first Thursday in November, respectively, are mandatory, and it is the duty of the trustees to hold the two regular meetings as directed by the statute, which duty could no doubt be enforced in an action in mandamus.

COLUMBUS, OHIO, June 18, 1934.

MR. JAMES A. OWEN, *President, Board of Trustees, Combined Normal and Industrial Department, Wilberforce University, 7818 Cedar Avenue, Cleveland, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion which reads as follows:

“Section 7980 G. C., states that the Board of Trustees of the Combined Normal and Industrial Department at Wilberforce shall meet in regular session at the university twice a year; the first meeting on the third Thursday in June, etc.

Several of the trustees have requested that this meeting be held on the 29th instead of on the 21st.

I would like to accommodate them if permissible. I am therefore asking your opinion as to June 29th.”

The Combined Normal and Industrial Department at Wilberforce University, in Greene County, Ohio, was created by the Legislature of Ohio, by the enactment of Sections 7975 et seq. of the General Code, of Ohio. Section 7976, General Code, provides that the government of the said department shall be vested in a board of trustees, to be known as “the board of trustees of the combined normal and industrial department of Wilberforce University.” Said section further provides for the appointment of the members of the said board of trustees. Section 7980, General Code, provides for the meetings of the said board of trustees as follows:

“The board of trustees so created shall meet in regular session at the university twice a year. The first meeting shall be on the third Thursday in June, and the second on the first Thursday in November of each

year. Other meetings may be held at such places and times as a majority of the board determines. The trustees shall receive no compensation, but shall be reimbursed their traveling and other reasonable and necessary expenses out of appropriations under this sub-division of this chapter."

It is a rule of law which has been reiterated many times by the Supreme Court of Ohio, that where the language employed by the legislature in a statute is clear and unambiguous and capable of but one construction, it is not the province of the courts or the privilege of administrative officers to ignore these plain provisions. In an early case—*McCormick vs. Alexander*, 2 Ohio, 74, decided by the Supreme Court of Ohio, in 1825, and referred to in many later decisions, it is said with reference to a certain statute which was then under consideration:

"Where there is anything doubtful in the statute, it is the duty of the courts in expounding it, to give it such construction as will comport with what is supposed to have been the intention of the enacting power. And where the intention is manifest, but that intention is in part defeated by the use of some particular word or phrase, the court will look to the intention rather than the words. In the clause of the statute above referred to, however, there is nothing doubtful; nothing ambiguous; no words made use of which operate to defeat the manifest intention of the legislature. There is, in fact, nothing left for construction. We must apply it according to its literal meaning."

In *State vs. Industrial Commission*, 92 O. S., 434, 443, it is said by the court:

"The court is not authorized to legislate in the guise of statutory construction."

In *Swelland et al. vs. Miles*, 101 O. S., 501, it is said:

"Where there is no real room for doubt as to the meaning of a statute there is no right to construe such statute."

In the case of *Marfield, Treas., vs. Bush et al.*, 110 O. S., 566, it is said:

"Where the legislature's language is clear there is nothing for the judiciary to construe."

As recently as 1929, in the case of *State ex rel. Defiance Spark Plug Company*, 121 O. S., 229, at page 381, it was said that where the language employed by the legislature in a statute is clear and unambiguous it is not the province of the court, under the guise of construction, to ignore the plain terms of a statute and to insert a provision not incorporated therein by the legislature.

The language employed by the legislature in Section 7980, General Code, supra, is certainly not ambiguous. It provides in mandatory terms that the trustees shall hold two regular meetings per year and definitely fixes the time when these regular meetings are to be held, and further expressly and definitely provides that meetings held at other times are to be regarded as "other meetings." The English language is incapable of a clearer and more definite expression of intent. I can

conceive of no reason for saying that the legislature meant anything other than what it plainly said. Unless the trustees hold the two regular meetings at the times fixed by the statute they will not be performing their full duty as provided by law.

I am therefore of the opinion in specific answer to your question that the terms of Section 7980, General Code, wherein it directs the trustees of the Combined Normal and Industrial Department of Wilberforce University to hold two regular meetings per year on the third Thursday in June and the first Thursday in November, respectively, are mandatory, and it is the duty of the trustees to hold the two regular meetings as directed by the statute, which duty could no doubt be enforced in an action in mandamus.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

2829.

APPROVAL, NOTES OF OBERLIN EXEMPTED VILLAGE SCHOOL DISTRICT, LORAIN COUNTY, OHIO—\$13,000.00.

COLUMBUS, OHIO, June 19, 1934.

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

2830.

APPROVAL, NOTES OF BRACEVILLE TOWNSHIP RURAL SCHOOL DISTRICT, TRUMBULL COUNTY, OHIO—\$3,100.00.

COLUMBUS, OHIO, June 19, 1934.

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

2831.

APPROVAL, NOTES OF GREENFIELD EXEMPTED VILLAGE SCHOOL DISTRICT, HIGHLAND COUNTY, OHIO—\$9,000.00.

COLUMBUS, OHIO, June 19, 1934.

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