

the county embraced within such combined health district, to act as attorney for the board of health of such combined health district.

6. When a city health district unites with a general health district under the provisions of section 1261-20 of the General Code, regulations requiring that all milk sold to consumers in said city be pasteurized, may be passed by the board of health of a general health district in which said city is located, and enforced by such board of health. The council of said city could also pass an ordinance requiring such pasteurization and enforce the provisions thereof through its police department.

Respectfully,

JOHN W. BRICKER,

Attorney General.

4293.

REAL ESTATE—OWNER MAY SECURE BENEFITS OF AM. S. B. #200, 90TH G. A. WITHOUT FILING APPLICATION FOR SHELTER ALLOWANCE WHEN.

SYLLABUS:

Under the provisions of House Bill No. 21 of the 91st General Assembly, an owner of real estate whose property was occupied prior to March 1, 1935, by an indigent person, is not required, in order to secure the benefits of Amended Senate Bill No. 200 of the 90th General Assembly, 115 Ohio Laws, 194, to file an application for shelter allowance for such occupancy, within thirty days of said date.

COLUMBUS, OHIO, May 27, 1935.

HON. GEORGE N. GRAHAM, *Prosecuting Attorney, Canton, Ohio.*

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

“In Amended Senate Bill No. 200 regular session, 90th G. A., and the amended sections of House Bill No. 21, regular session, 91st G. A. and particularly referring to Section 4 of that law, we find the following:

‘No voucher shall be issued under the provisions of this act toward the payment of rent for occupancy of any persons unless an application is filed for the same within thirty days of the month for which shelter allowance is applied for, nor shall any voucher be issued under the provisions of this act after March 1, 1937, but any vouchers or warrants issued as herein provided shall be honored if presented for the payment of taxes including those levied for the year 1936, but not thereafter.’

Our question is: Does this law exclude the landlord whose property has been occupied by a person on relief at any time prior to March 1, 1935 from benefiting for those past months under the provisions of this act, if he fails to file his application until after the amended law went into effect?”

Section 4 of Amended Senate Bill No. 200, of the 90th General Assembly, 115

Ohio Laws, page 194, which was amended by section 4 of House Bill No. 21 of the 91st General Assembly, read prior to its amendment as follows:

"No voucher shall be issued under the provisions of this act for payment of rent for occupancy of any persons after March 1, 1935, but any vouchers or warrants issued as herein provided shall be honored if presented for the payment of taxes including those levied for the year 1934 but not thereafter."

Section 4 of House Bill No. 21 of the 91st General Assembly, which became effective March 16, 1935, reads as follows:

"No voucher shall be issued under the provisions of this act * * * toward the payment of rent for occupancy of any persons unless an application is filed for the same within thirty days of the month for which shelter allowance is applied for, nor shall any voucher be issued under the provisions of this act after March 1, * * * 1937, but any vouchers or warrants issued as herein provided shall be honored if presented for the payment of taxes including those levied for the year * * * 1936, but not thereafter."

Amended Senate Bill No. 200, supra, provided for the issuing of vouchers for the rent of premises occupied prior to March 1, 1935, and the act contained certain conditions and requirements to be complied with by the owner of real estate in order to secure the benefits thereof. There was no limitation in said act with reference to the time for filing an application for the allowance provided for therein. By the terms of limitation contained in the act, no voucher could be issued for the payment of rent for occupancy after March 1, 1935. House Bill No. 21 of the 91st General Assembly, supra, provides for the issuance of vouchers for the rent of premises occupied from and after the effective date thereof (March 16, 1935), and to hold that any requirement contained in said act with reference to the time for filing applications for shelter allowance applies to occupancy prior to March 16, 1935 would be to give the act a retrospective operation. With reference thereto, it is stated in Ohio Jurisprudence, Volume 37, pages 819 and 822, as follows:

"Courts indulge in the presumption, that the legislature intended statutes enacted by it to operate prospectively rather than retroactively. Indeed, the general rule is that they are to be so construed if susceptible of such interpretation or unless the law is retroactive in terms which clearly show such legislative intention as to permit, by no possibility, of any other construction. When the intention of the legislature is to give a statute a retroactive effect, such intention must not be left to inference or construction, but must be manifested by express and unequivocal expression. If it is doubtful whether it was intended that the act should operate retrospectively, the doubt should be resolved against such operation."

Likewise, it is stated in the case of *Cincinnati vs. Seasongood*, 46 O. S. 296, at pages 303 and 304, that:

" 'A law can be repealed by the law giver; but the rights which have been acquired under it while it was in force, do not thereby cease. It would be an act of absolute injustice to abolish with a law all the effects which it had produced.' * * *

It is a general rule, that retrospective laws which conflict with a state constitution, or which tend to divest vested rights of property, are void, and courts will always struggle to give laws a prospective construction or interpretation. Sedgwick on Stat. and Const. Construction, 346, 2 ed."

In the instant case there is nothing contained in House Bill No. 21, supra, which would in any way indicate that said act was intended to operate retrospectively or which would permit, by any possibility, such construction of the act. To the contrary, section 4 thereof provides specifically that "no vouchers shall be issued under the provisions of this act * * * unless an application is filed for the same within thirty days of the month for which shelter allowance is applied for." Bearing in mind that the provisions of said act were not effective until March 16, 1935, it therefore seems manifest that the provisions thereof requiring that applications for shelter allowance must be filed within thirty days of the month for which such allowance is applied for, do not apply to an allowance for rent for occupancy prior to March 1, 1935.

Therefore, in specific answer to your question, it is my opinion that under the provisions of House Bill No. 21 of the 91st General Assembly, an owner of real estate whose property was occupied prior to March 1, 1935, by an indigent person, is not required, in order to secure the benefits of Amended Senate Bill No. 200 of the 90th General Assembly, 115 Ohio Laws, 194, to file an application for shelter allowance for such occupancy, within thirty days of said date.

Respectfully,

JOHN W. BRICKER,
Attorney General.

4294.

APPROVAL, PAPERS IN CONNECTION WITH THE CONVERSION OF THE FEDERAL SAVINGS AND LOAN COMPANY OF YOUNGSTOWN, OHIO, INTO FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF YOUNGSTOWN.

COLUMBUS, OHIO, May 28, 1935.

HON. W. PAUL WAGNER, *Superintendent of Building and Loan Associations of Ohio, Columbus, Ohio.*

DEAR SIR:—I have examined the various papers submitted by you in connection with the conversion of The Federal Savings and Loan Company of Youngstown, Ohio, into First Federal Savings and Loan Association of Youngstown, and find the papers submitted and the proceedings of said The Federal Savings and Loan Company, as disclosed thereby, to be regular and in conformity with the provisions of section 9660-2 of the General Code of Ohio.

All papers, including three copies of the charter issued to the said First Federal Savings and Loan Company, are returned herewith to be filed by you as a part of the permanent records of your department, except one copy of the charter which the law provides shall be filed by you with the Secretary of State. The law further provides that such filing with the Secretary of State shall be within ten days after the requirements of said section 9660-2 have been complied with by The Federal Savings and