

In your 13th question you inquire whether or not it is a violation of the provisions of this new law to have the weight certificates made out in lead pencil. Section 6420, General Code, specifically provides that duplicate weight Certificates shall be "written in ink or indelible pencil or partly printed and partly written with ink or indelible pencil". It is a well known principle of statutory construction that where the legislature expressly states the method of performing an act, it impliedly intends to exclude other methods of performance. *Expressio unius est exclusio alterius*. Here the legislature has stated such certificates must be made out in ink or by indelible pencil and it would logically follow that the legislature did not intend that such Certificates should be made out in lead pencil. An interesting case in this connection is that of *State, ex rel. vs. Lloyd*, 93 O. S. 20. It was there held that a provision in the charter of the city of Columbus to the effect that each signer of a nominating petition should sign his name in ink or indelible pencil, was mandatory. The Supreme Court held that a signature in lead pencil could not be counted in determining the sufficiency of a nominating petition.

No doubt the legislature, in inserting the provision that certificates be made out in ink or indelible pencil, realized that this would materially decrease the opportunities of fraudulently changing the weight certificates. Section 6420-2, General Code, provides that anyone who violates any of the provisions of this Act is guilty of a misdemeanor. Consequently, it would be a violation of House Bill No. 330 to have the weight certificates written in lead pencil.

Respectfully,

JOHN W. BRICKER,
Attorney General.

4951.

APPROVAL, BONDS OF MORGAN TOWNSHIP, RURAL
SCHOOL DISTRICT, SCIOTO COUNTY, OHIO, \$11,000.00
(UNLIMITED).

COLUMBUS, OHIO, December 2, 1935.

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