

There is no statutory authority in Ohio for the admission of insurers of this character.

We conclude therefore that you are without authority to grant the application for admission of the above mentioned associations.

Respectfully,  
C. C. CRABBE,  
*Attorney-General.*

792.

SCHOOLS—WHAT CONSTITUTES A FRATERNITY OR SORORITY AS  
CONTEMPLATED BY SECTION 12906 G. C.

**SYLLABUS:**

*An organization which uses Greek letters in the designation of its name, which has initiation ceremonies, which pledges students to membership and which holds secret meetings, constitutes a fraternity or sorority as contemplated by section 12906 G. C.*

COLUMBUS, OHIO, October 8, 1923.

HON. VERNON M. RIEGEL, *Director of Education, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your recent communication as follows:

“Section 12906 reads as follows:

‘Whoever, being a pupil in the public schools, organizes, joins or belongs to a fraternity, sorority or other like society composed of or made up of pupils of the public schools, shall be fined not less than ten dollars nor more than twenty-five dollars for each offense.’

Your opinion is desired as to what constitutes a fraternity or sorority, as mentioned in the foregoing section. Does an organization which uses Greek letters in the designation of its name, which has special initiation ceremonies, which pledges students to membership, and which holds secret meetings constitute a fraternity or sorority as contemplated by the above section?”

Section 12906, General Code of Ohio, provides as follows:

“Whoever, being a pupil in the public schools, organizes, joins or belongs to a fraternity, sorority or other like society composed of or made up of pupils of the public schools, shall be fined not less than ten dollars nor more than twenty-five dollars for each offense.”

This section prohibits pupils of the public schools from joining or belonging to a fraternity, sorority or like society composed or made up of pupils of the public schools.

In this connection it becomes necessary to determine what is a fraternity or sorority.

Webster's Dictionary defines “fraternity” as follows:

"A body of men associated for their common interest, business or pleasure; a company; a brotherhood; a society; a community of men of the same class, profession, occupation or character."

Corpus Juris, Vol. 26, p. 1049, defines "Greek letter fraternity" as follows:

"College literary or social organizations shown by the initial letter of a Greek motto or the like, and consisting usually of affiliated chapters."

In the case of *State ex rel v. George W. Bish* found in 22 Ohio Dec., p. 480, it was said by the court:

"In the construction of statutes, words and phrases shall be taken in their plain, ordinary or usual sense unless they are technical words and phrases, which shall be understood according to their technical import."

As the legislature has not seen fit to define fraternities, we must, in construing any statute in connection therewith, take the usual meaning of such word. It is presumed that the legislature was familiar with the usual definition of fraternity.

From the definitions *supra*, it will be seen that the usual understanding of a school fraternity or sorority is a literary or social society or club composed of school pupils.

It is therefore my opinion that an organization which uses Greek letters in the designation of its name, which has initiation ceremonies, which pledges students to membership and which holds secret meetings, constitutes a fraternity or sorority as contemplated by section 12906.

You are further advised that it is not necessary to have all the elements mentioned in your query present in order to constitute a fraternity under this section.

Respectfully,  
C. C. CRABBE,  
*Attorney-General.*

793.

TRAFFIC REGULATIONS—WIDTH OF TIRES—HOUSE BILL No. 612,  
(110 O. L. 319) CONSTRUED

SYLLABUS:

*Under section 7248 of the General Code it is unlawful for any person, firm or corporation to transport, over the improved public streets, alleys, highways, bridges or culverts within this state, in any vehicle, equipped with tires of solid rubber or other similar substance, propelled by muscular, motor or other power, any burden whatever, unless the width of that portion coming in contact with the road surface be at least two-thirds the width of the tire between the flanges at the base of the tire.*

COLUMBUS, OHIO, October 8, 1923.

HON. L. A. BOULAY, *Director of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—Receipt is acknowledged of a communication from your department written by Mr. G. F. Schlesinger, State Highway Engineer, as follows: