

State of Ohio, to reimburse him for any money expended in the preparation of such deed and abstract.

I am, therefore, of the opinion that under the facts submitted by you, if there were no certification as required by Section 2288-2, General Code, and no valid contract entered into with Mr. M. for the purchase of the garage site described in your letter, there is no obligation on the part of the state, legal or otherwise, to reimburse Mr. M. for any expenses incurred by him in the preparation of the deed and abstract in question.

Respectfully,  
EDWARD C. TURNER.  
*Attorney General.*

160.

APPROVAL, BONDS OF LAKE TOWNSHIP RURAL SCHOOL DISTRICT,  
STARK COUNTY, OHIO—\$9,000.00.

COLUMBUS, OHIO, March 9, 1927.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

161.

MANUAL TRAINING—SECTIONS 13007-3 AND 7722, GENERAL CODE,  
CONSTRUED—DOES NOT EXTEND TO TRAINING DEPARTMENT IN  
FACTORIES.

*SYLLABUS:*

*The term "manual training department of any school," as used in Section 13007-6, General Code, refers only to the manual training department of a public school, as authorized by Section 7722, General Code, or a like department of a private school, and not to a factory, which is co-operating with the public schools and which employs minors who attend school one-half day each week.*

COLUMBUS, OHIO, March 10, 1927.

HON. HERMAN R. WITTER, *Director Department of Industrial Relations, Columbus, Ohio.*

Attention C. A. Benedict, Chief, Division of Factory and Building Inspection.

DEAR SIRS—I have your letter of recent date, requesting my opinion upon the facts stated in a letter from the "Chairman, Educational Committee," Cincinnati, Ohio, which you enclose with your communication and which reads as follows:

"The factories are co-operating with the public schools and boys attend

school one half day each week. The remainder of the week they spend in the factory.

Under these circumstances, may an apprentice, who is taking this course, operate grinding machines in the factory under the supervision of an instructor or foreman.

Please understand that your ruling will apply to a number of boys and that we wish to comply with the law, and therefore take the liberty of asking again, under these circumstances, will our factories be construed under the law as manual training departments."

According to information furnished by the State Department of Education, arrangements have been made in Cincinnati, as well as in several other cities, whereby the State Department of Education conducts a school at which certain employes of various factories attend one-half day each week. These employes are paid by their employer for the time spent in attending school, and while the work done in the school is done under the supervision of a regularly employed instructor, the work in the factory is carried on absolutely separate and apart from the school.

I am further informed that the arrangements in question were made pursuant to the provisions of Sections 367-1 to 367-12 of the General Code, which provide for vocational education by accepting the terms of the act of Congress, commonly called the "Smith Hughes Act," and authorizing the State Board of Education to cooperate with the federal board in the administration of such Act of Congress and the legislation enacted pursuant thereto by the Legislature of Ohio. For the purposes of this opinion, it is unnecessary to quote herein the sections of the Code referred to for the reason that their provisions do not in any way affect the question presented.

I assume that the word "apprentice," as used in the letter above quoted, is used as it commonly is in the industry of this state, viz., to describe one who is learning a trade in a shop or factory and who has not yet become a skilled mechanic or artisan, and from the nature of the inquiry I further assume that the boys referred to in the same letter are minors under eighteen years of age.

It is provided, *inter alia*, in Section 13007-3 of the General Code, that:

"No child under the age of eighteen years shall be employed, permitted or suffered to work \* \* \* (5) in the operation of emery wheels or any abrasive, polishing or buffing wheel where articles of the baser metals or iridium are manufactured; \* \* \* "

Section 13007-6 reads as follows:

"Nothing in this chapter (offenses against minors) shall be so interpreted as to prevent any pupil from working on any properly guarded machine in the manual training department of any school when such work is performed under the personal supervision of an instructor."

No argument is required to show that Section 13007-3, *supra*, and kindred sections, were enacted to protect the youth of the state and to prevent the health and physical well being of the state's future citizens from being injured or harmed by employment in dangerous, unhealthful or objectionable occupations, or by contact with machinery of a dangerous character. These sections are of general application to all youth of the state and were enacted to effect the purpose intended and promote the general welfare.

It is well settled that laws enacted in the interest of the public welfare or for the protection of human life and health should be liberally construed with a view to

promoting the object in the mind of the legislature. See 36 Cyc., 1172, and cases cited.

As stated by Sutherland at page 568 of his work on Statutes and Statutory Construction:

“In construing a remedial statute which has for its end the promotion of important and beneficial public objects a large construction is to be given when it can be done without doing actual violence to its terms; \* \* \* So a law respecting public rights and interest generally should be liberally construed so as to make it effectual against the evil it was intended to abate, when this can be done without depriving any individual of his just rights.”

As a corollary to this rule of construction, a statute making exceptions to the general application of such statutes as the one under consideration should be strictly construed and literally followed. Consequently sections such as Section 13007-6, *supra*, making exemptions from the operation of Section 13007-3, should be strictly construed.

Section 7722, General Code, provides in part:

“Any board of education may establish and maintain manual training \* \* \* departments, \* \* \* vocational and trade schools \* \* \* in connection with the public school system; and pay the expenses of establishing and maintaining such schools from the public school funds, as other school expenses are paid.”

It is manifest that by its terms Section 13007-6, *supra*, refers, and only refers, to the manual training department of a public school, established under authority contained in Section 7722, above quoted in part, or a like department in a private school. Section 13007-6 provides that “any pupil,” i. e., any “youth or scholar \* \* \* under the care of an instructor or tutor” (Webster’s New International Dictionary), and not an apprentice, as above defined, who is learning a trade and incidentally devoting one-half day out of a week to attending school. It speaks of the “manual training department” of a school and not of a factory employing minors who attend school one-half day each week. It provides for the “personal supervision of an instructor” or teacher and not of a foreman. It clearly contemplates the manual training department of an established school and not a factory where minors are *employed for hire*, even though the factory be engaged in the laudable work of co-operating in providing educational facilities for its employees.

Specifically answering your question, for the reasons stated, I am of the opinion that the term “manual training department of any school,” as used in Section 13007-6, General Code, refers only to the manual training department of a public school, as authorized by Section 7722, General Code, or a like department of a private school, and not to a factory which is cooperating with the public schools and which employs minors who attend school one-half day each week.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*