of 1951 a United States decennial census is effective as of the date taken when officially announced. Thus the town of Pendleton will not become a city until affirmative acts are taken by the town and then elections and the holding of officers will be governed by the statute under which the change is made, that is, either Chapter 129 of the Acts of 1905 as amended or Chapter 240 of the Acts of 1935.

OFFICIAL OPINION NO. 18

February 23, 1951.

Honorable Bernard E. Doyle,
Commissioner,
Alcoholic Beverage Commission,
Illinois Building, Room 201,
Indianapolis, Indiana.

Dear Sir:

Your request of February 16, 1951, for an official opinion is in part as follows:

"We are confronted with a question regarding the interpretation of the alcoholic beverage law pertaining to the distance from permit premises to a church or school as required by the Acts of 1935, Ch. 226, Section 6, Paragraph 18, thereof, which provides that no permit of any kind shall be issued to any premises situated within a distance of two hundred (200) feet from any school or church and in this paragraph references made to investigations by the local board.

"The question is; was it the intent of the Legislature that this provision of the statute pertained only to retail permits and not to beer wholesalers and liquor wholesalers?

"* * *

"Your opinion will be greatly appreciated."

To answer your request the following rules of statutory construction are applicable for a proper interpretation of the
section in question. The object of all rules of statutory construction is the ascertainment of the legislative intent.

Cleveland, C. C. & St. L. R. Co. v. Blind (1914), 182 Ind. 398;
State ex rel. O'Donnell v. Flickinger (1937), 211 Ind. 361.

In seeking the intent of the Legislature in enacting a law, the Act as a whole, its general purpose and the evils or mischiefs it was enacted to remedy should be considered.

Smith v. State ex rel. Ross (1930), 202 Ind. 185;
Kryder v. State (1933), 214 Ind. 419;
Walgroen v. Gross Income Tax Division (1947), 225 Ind. 418.

Paragraph 18, Section 6, Chapter 226, Acts of 1935, the same being 12-402, Burns Indiana Statutes, provides:

"In all cases where an applicant applies for any permit hereunder with respect to the premises situated within a distance of two hundred (200) feet from any school or church, such fact must be specified in his application therefor (which in that respect may be amended before the conclusion of the investigation thereof before the local board), and it shall be the duty of the members of the local board, if required by the commission, to state fully in the questionnaire required by this act their opinion as to the propriety of granting of said particular application: Provided, no permit of any kind hereunder shall be issued in respect to any premises situated within a distance of two hundred (200) feet from any school or church in respect to which premises no permit has been issued under the Act of the General Assembly of Indiana, entitled 'An act concerning alcoholic beverages and declaring an emergency,' approved March 1, 1933. A permit issued upon an application not fully disclosing the true facts in respect to the location of the premises whereon the permit applied for is to be applicable may be voided by the commission."
This paragraph must be considered in relation to the Act as a whole to determine whether the Legislature intended such restriction to apply only to any retail permit, or included wholesale permits.

The object of the Acts of 1935, Chapter 226, Section 1, same being 12-301 Burns Indiana Statutes provides as follows:

"State Police Powers—Liberal Construction—This act shall be deemed an exercise of the police powers of the state, for the protection of the economic welfare health, peace and morals of the people of the state, and to prohibit forever the open saloon; and it is hereby declared that all the provisions of this act and the classifications and differentiations herein made and/or authorized to be made, are actually and substantially related to the accomplishment of the object of this act and necessary to effectuate its purpose * * * ."

Local boards are created to aid in the accomplishment of this purpose. The organization and function of these local boards is provided for in Section 6, Chapter 226, Acts of 1935, in paragraphs immediately proceeding paragraph 18. It should be noted that paragraph 18 provides for an investigation by the local board and other duties in regard to premises within a distance of two hundred feet of any school or church.

Detailed procedure for the conducting of investigations by the local boards is provided for in the case of beer and liquor retailers and dealers. Burns Indiana Statutes, Sections 12-509, 12-510, 12-517, 12-518. There are no provisions for local board participation in granting beer and liquor wholesaler’s permits.

It therefore is clear that paragraph 18, Section 6, Chapter 226, Acts of 1935, does not include wholesaler’s permits in the restriction as to distance from schools and churches.