1. A city or town zoning ordinance (containing a penalty clause as provided by Section 92 of Chapter 174 of the Acts of 1947) has the same status as any other ordinance imposing a penalty and must be published as other such ordinances are published.

2. I would recommend that where such an ordinance has not been published, that it be now published, preferably pursuant to an ordinance of the City Council providing for its publication.

OFFICIAL OPINION NO. 2
January 6, 1949.

Hon. Ralph F. Gates
Governor of Indiana
State House
Indianapolis, Indiana

Dear Governor Gates:

Your letter of December 29, 1948, has been received, in which you requested an official opinion on the following questions:

"I am informed that some confusion exists in the minds of livestock breeders and others interested in the interpretation of the 1947 Indiana State Fair Board Reorganization Act, with respect to the meaning of that part of Section 4 reading as follows:

"'to be selected by the following agricultural interests within said district as represented by county organizations of breeders of swine, sheep, dairy cattle, beef cattle, etc. etc.'

"The four words underscored cover the point of confusion. What, for instance, is a county organization of 'swine breeders'? Is it an organization only of breeders of that class of livestock known as 'swine' or does it cover as well, county organizations of breeders of Poland China hogs? Isn't such an organization of
breeders an organization of 'breeders of swine' in fact, although it represents a *breed* and not a *class*?

"In other words, what kind of organizations within each county are entitled to a delegate?"

The section of the statute above referred to is Section 4, Chapter 214, Acts of 1947, same being Section 15-219 Burns 1948 Supplement, and in part reads as follows:

"Eleven members shall be nominated, one from each agricultural district as herein set fourth, to be selected by the following agricultural interests within said district as represented by county organizations of breeders of swine, sheep, dairy cattle, beef cattle, light horses, draft horses, poultry, and horticulturists, vegetable growers, grain growers, home economics clubs, organized agriculture as represented by the farm bureau and grange, and county and other regularly organized agricultural fairs.

"Such organizations within the county representing each such agricultural interest shall meet and select a county delegate to represent that interest in the Agricultural District Conference. Said county delegates shall meet in district conference, as herein provided, and select a nominee for appointment to the State Fair Board.

"In order to be eligible to be represented by a delegate with power to vote in said District Conferences, said county association must be regularly organized, have duly elected officers, have an annual meeting and after January 1, 1948, have been in existence for not less than one year prior to date of the District Conference at which the annual election is held, and must have filed with the Commissioner of Agriculture on or before August 1 of the year in which such District Conference is held, the name of their organization and the names and addresses of its officers. A certificate of appointment certified by the President or Secretary of a qualified county association, society or club shall be sufficient evidence of the right of a dele-
gate to vote on all matters which come before the Conference. Voting by proxy shall not be permitted.

* * *

Words in the statute must be construed in their plain, ordinary and usual meaning unless a contrary purpose clearly appears.

Section 1-201 Burns 1933;

Garvin v. Chadwick Realty Co. (1937), 212 Ind. 499, 506.

While it is true that in construing a statute reference may be had to the history of the Act, together with prior Acts of a similar nature, it is to be observed the above statute is an entire new act recreating the Indiana State Fair Board and replacing the prior statute on this question. (Chapter 77, Acts 1921, Section 15-201 et seq. Burns 1933.) Section 3 of the old law, same being Section 15-203 Burns 1933, made provision for the filling of vacancies on said board through the actions of county and district agricultural societies or associations who were members of the Indiana state associations specified in said section of said act. The previous law on this question is of little assistance in determining the legislative intent in using the language herein sought to be interpreted.

The county organizations entitled to such vote in the district conference under the present act are required to be accredited as therein provided. The act referred to "county organizations of breeders of swine." In its ordinary and accepted meaning, the word "swine" has been defined as follows:

"Any hoofed mammal of the hog kind (family Suidae in the broad sense including the peccaries); a hog;—chiefly used collectively and applied esp. to domestic hogs. The swine are stout-bodied, short-legged artiodactyl animals of omnivorous habit, having a thick skin usually covered with coarse bristles, a rather long mobile snout, small tail and feet with two functional and (except in the peccaries) two non-functional digits. In the male the canines are often developed into effec-
tive tusks. English and American breeds of domestic swine are supposed to be derived from the European wild boar ***, but many of them have been crossed with Asiatic breeds of different ancestry. Well-known breeds are the Berkshire, Cheshire, Chester White, Duroc-Jersey, Hampshire, Poland China, Tamworth and Yorkshire.” Webster’s New International Dictionary, Second Edition.

From the foregoing it is clear that a breeder of Poland China hogs or Yorkshire hogs would be breeders of “swine.” If such persons are members of county organizations meeting the qualifications of the above statute, such organizations would in my opinion be “county organizations of breeders of swine.”

I am therefore of the opinion that a county organization of breeders of a certain breed of hogs, such as Poland China hogs, which organization meets the requirements of the above section as to qualifications, is entitled to vote in said district conferences and that the language used in such statute does not disqualify such a county organization merely due to the fact it represents breeders of one breed of hogs.

CHF:TLW:ms

OFFICIAL OPINION NO. 3

January 20, 1949.

Brig. Gen. Robinson Hitchcock,
Adjutant General,
212 State House,
Indianapolis, Indiana.

Dear Sir:

We have your letter under date of January 3, 1949, in which you request an official opinion regarding the following question:

May the State of Indiana pay a pension in the sum of $100.00 monthly to Mary E. Bonner, widow of Phillip E. Bonner, Captain 113th Fighter Squadron