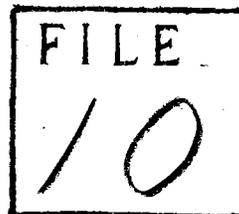


CONSERVATION COMMISSION: Headings in bold type may be inserted
LEGISLATURES: in regulations without republication
of said regulations. (21)

October 16, 1941

10-17

Mr. I. T. Bode
Director
Conservation Commission
Jefferson City, Missouri



Dear Mr. Bode:

This will acknowledge receipt of your request for an opinion under date of October 16, which reads as follows:

"We have checked further into the matter of adding a 'catch line' to all sections in the Wildlife and Forestry Code, and the Secretary of State's office, where all legislative enactments are prepared for publication in the statutes, thinks that it would be advisable for us to have an official opinion from the Attorney General as to whether or not it would be necessary to publish our entire Code if these 'catch lines' are inserted.

"This is the matter I called you about yesterday, and in view of the fact that there seems to be a question in the minds of several people with regard to the insertion of this 'catch line', we would appreciate it if you would let us have an official opinion on this matter by Monday of next week if possible."

The presumption has always been that the bold type heading chapters, sections, etc., of the law are not any part of the law and have no bearing on the law. It is merely inserted for the purpose of a quick guide or reference, and for no other purpose.

The same presumption, of course, is applicable to rules and regulations promulgated by the Conservation Commission of the State of Missouri.

In *State vs. Maurer, Surkamp and Shortell*, 255 Missouri 152, l. c. 160, the court in holding such bold type shall not be considered in construing a statute said:

"I. The headings of chapters, articles or sections are not to be considered in construing our statutes; these indicia are mere arbitrary designations inserted for convenience of reference by clerks or revisers, who have no legislative authority, and are, therefore, powerless to lessen or expand the letter or meaning of the law. (*Ferguson v. Gentry*, 206 Mo. 189, 195; *State v. Doerring*, 194 Mo. 398, 414; *Logan v. Fidelity Co.*, 146 Mo. 114, 122; *Huff v. Alsup*, 64 Mo. 51.) This observation is made preliminary to a review of the statutes upon which the informations are based, on account of references in the majority opinion of the Court of Appeals to these headings as aids to construction."

Also, in *Bell Telephone Company v. Drainage District No. 8*, 215 Missouri Appeal 456, l. c. 458, the court said:

"There is another reason why defendants must fail on this appeal, and that is because the Act of 1917, sections 10737 to 10741, inclusive, nowhere provides for the removal of telephone wires. The act describes

electric wires, transmission wires and trolley wires. The headnote of the compiler of section 10739 is not a part of the law and in no way binding."

Also, Sections 685 and 686, R. S. Missouri 1939, authorizes the revision commission to prepare, among other things, suitable headnotes to indicate briefly the subject matter of the sections.

We are unable to find any authority for inserting headings in the session acts. The presumption is that such headings in bold type are merely inserted by the Secretary of State for the convenience of the public.

Therefore, it is the opinion of this Department that since the bold type heading for such regulations merely is a guide to what the regulation contains, and in no manner shall be taken into consideration in construing said regulation that such bold type heading may be inserted before such regulations heretofore published without republication of said regulations.

Respectfully submitted,

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APPROVED:

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