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## Statutes-Construction-General and Specific Words

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STATUTES—CONSTRUCTION—GENERAL AND SPECIFIC WORDS—Defendant was indicted under section 2740, Burns' Ann. St. 1926, reading in part: "Any room, house, building, boat, structure, or place of any kind where intoxicating liquor is sold or people are permitted to resort for drinking—in violation of the law—is a public nuisance." It appeared that the defendant operated an amusement park and that under a legal warrant such park was raided and during the raid a car leaving the park was stopped and an occupant threw out a quart bottle of whiskey. The trial court convicted defendant under the above statute. *Held*: Conviction reversed. Construing the words in the statute in light of the rule *ejusdem generis* the only place which may become a nuisance under section 2740, Burns' Ann. St. 1926, is a room, house, building, boat, or structure. *Chief Eagle Feather et al. v. State*, Appellate Court of Indiana, June 27, 1927, 167 N. E. 147.

Where general words in a statute follow specific words designating special things, the general words are, as a rule, limited to cases of the same general nature as those which are specified. *Wiggins v. State*, 172 Ind. 78, *State v. Jackson*, 168 Ind. 384, Sutherland, *Statutory Construction*, section 268, page 351. The doctrine of *ejusdem generis* is not a rule of interpretation, but an aid to interpretation when the intention is not otherwise apparent, and does not control where it clearly appears from the statute as a whole that no such limitation was intended. *U. S. Cement Co. v. Cooper*, 17 Ind. 599, *Strange v. Board of Commissioners of Grant County*, 173 Ind. 640, *Pein v. Miznerr*, 41 Ind. App. 255.

In this case it is clear the liquor was not found in a room, house, building, boat, or structure, and in the light of the rule *ejusdem generis* the "place" had to be of the same genus or kind as house, boat, etc. The liquor found in the open did not qualify as a "place" designated by the

statute. No other intention of the legislature is shown than that the word "place" was to be construed in the light of the foregoing specific words. Where no such contrary intention appears *ejusdem generis* applies. *City of Jeffersonville v. Nagle*, 191 Ind. 70.

The rule as laid down in the case here discussed is clearly in accord with the settled Indiana rule and is in general accord with the great weight of authority in American cases.

T. H. F.