

OFFICIAL OPINION NO. 4

February 6, 1956

Honorable Virginia B. Caylor
Reporter, Supreme and Appellate Courts
416 State House
Indianapolis, Indiana

Dear Mrs. Caylor:

This is in reply to your request for my Official Opinion relative to the following question:

“According to Section 49-1622 of Burns’ Annotated Indiana Statutes, the reporter of the Supreme Court is authorized to distribute copies of the Indiana Supreme and Indiana Appellate Court Reports without charge as follows:

“* * * two (2) copies to each law school in Indiana, which has regularly enrolled and in average attendance in its law classes not less than fifty (50) students and that has been established for more than five (5) years; * * *’ Does this mean that each class such as Contracts, Torts, etc., must contain an average of fifty students or that each of the first, second and third year classes contain an average of fifty students?”

The statute referred to in your question is Acts of 1891, Ch. 170, Sec. 7, as amended, and found in Burns’ Indiana Statutes (1951 Repl.), Section 49-1622, which provides in part as follows:

“The reporter of the supreme court is hereby authorized to distribute the Indiana Supreme and the Indiana Appellate Court Reports without charge as follows:
* * * two [2] copies to each law school in Indiana which has regularly enrolled and in average attendance in its law classes not less than fifty [50] students and that has been established for more than five [5] years.
* * *”

In my opinion the Legislature did not intend to require a minimum number of students in each class of instruction in a law school, such as Contracts, Torts, and so forth, or to require

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a minimum number of students in the first year, second year, or third year classes in a law school as the basis for distributing free copies of the reports to the whole law school. This is because the number of copies of the reports necessary in the law library of a given law school is more closely related to the total number of persons using the law library than to the number of persons in any given class of instruction or in the first year, second year, or third year class of the law school.

You will note that the language of the statute refers to "law classes" in the plural and it is my belief that in this statute the Legislature used the phrase "law classes" in the generic sense and intended to include and describe all persons studying law at a given law school.

I am, therefore, of the opinion that each law school in Indiana, which has been established for more than five years, and has a total of fifty students regularly enrolled and in average attendance studying law at said school, is entitled to receive two free copies of Indiana Supreme and Indiana Appellate Court Reports.

OFFICIAL OPINION NO. 5

February 9, 1956

Mr. B. W. Johnson, Executive Secretary
Indiana State Teachers' Retirement Fund
Room 336, State House
Indianapolis 4, Indiana

Dear Mr. Johnson:

Your letter of January 24, 1956, has been received and reads as follows:

"The question has arisen as to the intent of the Legislature with reference to the employer-employee relationship as it applies to teachers in Chapter 329 of the Acts of the General Assembly of 1955. A decision on this point is necessary for purposes of reporting to the Federal Social Security Administration.

"1. Was it the intent of the General Assembly, within the meaning of this Act, to consider the em-