

OFFICIAL OPINION NO. 46

July 21, 1954

Mrs. Hazel B. Hill, Director  
Bureau of Women and Children  
Division of Labor  
225 State House  
Indianapolis, Indiana

Dear Mrs. Hill:

I have your request for an Official Opinion in which you ask the following question:

Does the statute forbidding the employment of minors between the ages of fourteen and sixteen years after 7 o'clock, P. M., refer to Central Standard Time or Daylight-Saving Time?

The statute to which you have reference is the Acts of 1921, Ch. 132, Sec. 21, as amended, the same being Burns' Indiana Statutes (1948 Repl., 1953 Supp.), Section 28-521, which provides in part:

“\* \* \* No child between the ages of fourteen (14) and sixteen (16) years shall be employed after the hours of seven (7) o'clock in the evening of any day  
\* \* \*”

The Acts of 1949, Ch. 146, Sec. 1, the same being Burns' Indiana Statutes (1946 Repl., 1953 Supp.), Section 2-4705a provides:

“United States Central Standard Time based on the 90th Meridian of Longitude west from Greenwich shall be the legal time within this state: Provided, however, that nothing in this act shall be so construed as to be in contravention of any Federal law or duly authorized order of the Interstate Commerce Commission with respect to the time zones of the United States.”

The United States Standard Time referred to above was established and enacted by an Act of Congress March 19, 1918, Ch. 24, Secs. 1, 2 and 4, 15 U. S. C. A., Sections 261, 262 and

263, and said Act provided in substance that for the purpose of establishing standard time for the United States, the continental United States was divided into five zones. It was provided that the standard time of the second zone shall be based upon the mean astronomical time of the 90th degree of Longitude west from Greenwich; the basis of the other zones are similarly set forth. Section 263, *supra*, provided that the standard time of the second zone, which includes the State of Indiana, would be known and designated as United States Central Standard Time. So far as our research shows, United States Central Standard Time has been the legal time in the State of Indiana at least since 1949, and for cities over 300,000 in population since 1929, Acts of 1929, Ch. 103. However, it is judicially known that the State of Indiana has been operating under United States Central Standard Time since 1918.

52 Am. Jur., Time, § 7 provides:

“In the case of acts required by law to be done at a prescribed time, the time intended, even though daylight-saving time is in effect, is standard time, where the statute in question does not authorize the adoption of a different time than standard time, or where, by enactment, standard time is established as the sole and uniform measure of time \* \* \*.”

There is no reference in the laws of Indiana to daylight-saving time or to a different time than United States Central Standard Time. It is further to be noted that Section 28-521, *supra*, was amended by the Acts of 1951, Ch. 103, Sec. 1 and again by the Acts of 1953, Ch. 164, Sec. 1, with the 1953 Amendment, *supra*, inserting the quoted portion of Section 28-521, *supra*. It is, therefore, my opinion that the 7 o'clock P. M., above referred to, means United States Central Standard Time, which is the legal time for all legal business of the State of Indiana, and unless it is otherwise specified, whenever a statute refers to time it means United States Central Standard Time as defined by Section 2-4705a, *supra*, above quoted. On this proposition see:

MacDonald v. Sheriff (1953), Maine Supreme Court,  
94 A. (2d) 555, 556.

1954 O. A. G.

In short, the employment of a child between the ages of fourteen (14) and sixteen (16) years until 7 o'clock P. M., United States Central Standard Time, does not violate Section 28-521, *supra*.

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OFFICIAL OPINION NO. 47

July 22, 1954

Hon. James L. Dunn  
State Representative  
Nowlin Road  
Lawrenceburg, Indiana

Dear Mr. Dunn:

This is in reply to your letter of June 18, 1954, in which you inquire as to the following:

Does a mausoleum as described in the brochure of the Individual Mausoleum Company of Aurora, Indiana, comply and come within the word "mausoleum" as contained in the Acts of 1939, Ch. 142, Section 19, as amended, as found in Burns' Indiana Statutes (1950 Repl., 1953 Supp.), Section 21-1019.

Section 21-1019, *supra*, provides:

"Subject to the rights of transportation and removal of dead human bodies, or other disposition of such bodies, as provided by law, the remains of all deceased persons dying in the state of Indiana, or shipped into the state of Indiana, shall be deposited in the earth, in an established cemetery, in a mausoleum or in a columbarium, within a reasonable time after death, except as may be otherwise ordered by the state board of health. All dead human bodies interred in the earth shall have a cover of not less than two and one-half [2½] feet of earth over the receptacle in which such body is placed. All private or family mausoleums shall be constructed in such manner as to admit proper ventilation. The remains of such bodies that shall have been cremated may be deposited in mausoleums or columbariums or