certain that 75% of the total area of the district must be used for residential purposes for the district to be a "residential district". That then is the plain yardstick which the Commission has been given by the legislature and must use in the determination.

The language "as opposed to commercial, business or manufacturing purposes" is restrictive and is explaining for the sake of clarity what the legislature obviously intended. Webster's Dictionary defines the word "opposed" to mean: set or placed in opposition, opposite, contrary, adverse. In other words by the language "used for residential purposes", the legislature intended the antithiesis of a business use. The word residences or residential is used in contradistinction to business or commerce and if a building is used as a place of abode and no business is carried on it would be used for residence purposes only.

Briggs v. Hendricks 197 SW (2) 511
Gernigan v. Capp 45 SE (2) 886, 175 A. L. R. 1104.

Therefore it is my opinion that in order to establish a "residential district" according to the statutory definition it is necessary to determine that 75% of the whole area described is actually used for residential purposes only.

OFFICIAL OPINION NO. 5

February 7, 1950.

Hon. Clinton Green, Director,
Department of Veterans Affairs,
431 North Meridian Street,
Indianapolis, Indiana.

Dear Sir:

I have your letter requesting an official opinion in regard to the qualifications under the existing law of the employees of the Indiana Department of Veterans Affairs, Acts of 1945, Chapter 122 and amendments thereto. You present two questions:

(1) "Does this Act mean that male employees of the Department of Veterans' Affairs must have served

their entire time in the armed forces of the United States in time of War, or does the Act contemplate that peacetime service should be considered?"

(2) "Does this Amended Act mean that all female employees of the Indiana Department of Veterans' Affairs, who are veterans, shall be honorably discharged with six (6) months or more service, or does it mean that a female employee must be possessed of an honorable discharge without any reference as to the length of service?"

Section 59-1110, Burns' 1949 Pocket Supplement, same being the Acts of 1945, Chapter 122, Section 10, page 257, 1947, Chapter 153, Section 1, page 477, provides as follows:

"The director by and with the consent of the commission and subject to the approval of the governor, is hereby authorized to from time to time, as needs require establish and/or disestablish an office or offices in each congressional district, or combination of congressional district, or combination of congressional districts, or parts thereof in the state of Indiana and/or to employ a district veterans affairs officer in each district, or combination of districts, or parts of districts, as the need therefor may from time to time arise, subject also to the consent of the commission and approval of the governor. The director by and with the consent of the commission and governor is hereby empowered to employ such assistance for such district veterans affairs officers as may be necessary from time to time and to fix their emoluments. District veterans affairs officers and *all other male employees* of the department *shall be honorably discharged veterans who have had at least six (6) months service in the armed forces of the* United States, and citizens of the United States and the state of Indiana. All female employees of the department shall be honorably discharged veterans or widows, wives or daughters of veterans, providing such veterans or widows, wives or daughters of veterans qualify for the jobs concerned."

Section 50-1111, Burns' 1949 Pocket Supplement, same being the Acts of 1945, Chapter 122, Section 11, page 257, provides as follows:

> "In addition to the foregoing, in any county of the state of Indiana, the county commissioners of such county may employ a county service officer and/or assistants and in any city of the state of Indiana the council of such city may provide for the employment by the mayor a city service officer and/or assistants to render service to the veterans of said county and/or city provided that the remuneration and expenses of such county and/or city service officer and/or assistants are paid from the funds of such county and/or city wherein such employment is made, but in such event such service officer shall have the same qualifications and be subject to the same regulations as the district veterans affairs officers as provided herein, and shall serve under the supervision of the director of veterans' affairs herein provided. The county council of any county and/or the common council of any city is hereby authorized to appropriate the necessary funds for such purposes."

In construing a statute the object is to discover the intent of the legislature and where the legislative intent clearly appears from the language used courts may restrict the general meaning of words in order to effectuate the manifest purpose of the statute.

> Cyrus v. State (1924), 196 Ind. 346, 348, 145 N. E. 497, 498.

It is to be noted that this Act specifically sets out its purpose, same being as follows:

> "The purpose of this act is to create a department with full authority to aid and assist veterans of the armed forces of the United States entitled to benefits and/or advantages now or hereafter provided by the United States and/or the state of Indiana and/or any other state or government." Burns' 59-1101, Pocket Supplement, Acts of 1945, Chapter 122, Section 1, page 257.

The courts may likewise look to the circumstances under which is was enacted.

> R.R. Comm. v. Grand Trunk Western R.R. (1913), 179 Ind. 255, 266, 100 N. E. 852, 856.

In the case of Mitchell v. Cohen (1948), 333 U. S. 411, 68 S. Ct. 518, wherein the court had before it the construction of the Federal Veterans' Preference Act of 1944, the court said:

> "Throughout the legislative reports and debates leading to the birth of this statute is evident a consistent desire to help only those who had sacrificed their normal pursuits and surroundings to aid in the struggle to which this nation had dedicated itself. It was the veterans or ex-servicemen who had been completely divorced from their civilian employment by reason of their full-time service with the armed forces who were the objects of congressional solicitude. Re-employment and rehabilitation were considered to be necessary only as to (them).
>
> "There is nothing to indicate that the legislative mind in this instance was directed toward granting special benefits or rewards to those who performed military service without interference with their normal employment and mode of life. * * *"
>
> "Although 'legislative reports and debates' are not available to us, their absence can hardly constitute a valid reason for assuming that the Legislature was activated by any different motives or purposes than was the Congress. * * *" (See Rubin v. Conway) (1948), 79 N.Y.S. (2d) 226.

In the case of *Scott* v. *Commissioner of Civil Service* (1930), (Mass.) 172 N.E. 218, the Supreme Court of Massachusetts held that one not entering the service until after armistice was not a veteran within statute giving preference based on service rendered "in time of war." Therein the court said:

> "* * * It is doubtless true, as the petitioner argues, that, strictly speaking, an armistice is not the end of

> warfare, but is a temporary suspension of hostilities. * * *"

We are of the opinion that so far as this statute is concerned the war was then at an end and therefore petitioner is not a "veteran" within the definition of that word as used in the statute.

I quote from these cases in order to indicate how the courts have restricted the general meaning of words in order to effectuate the manifest purpose of the statute and the intent of the Legislature. A study of our statutes with reference to benefits to veterans clearly indicates that the Legislature was motivated wholly and solely because of the then pending war and the realization that assistance in re-employment and rehabilitation would be necessary at the end of the conflict.

It is said in Webster's New International Dictionary, page 2838, that in defining the word veteran:

> "The general and popular meaning, however, is one who has seen service, as distinguished from a recruit or a soldier in his first enlistment; as, a veteran of several battles, of several wars, of a specified war, etc."

It was only natural for the Legislature, cognizant as they were of the many benefits rendered in the past to the veterans as well as its expressed gratitude to those who served in the past war would see that a board or a department should take over the over-all charge in the aiding and the distribution of those benefits, and to me it is only natural for the Legislature to place in charge of this department men and women who perhaps would not necessarily be the direct beneficiaries of the appreciative legislative heart, at least they would be apt to be familiar with the problems of the participants of the act. Therefore, in my opinion, the intent of the Legislature was that the employees and department heads should have participated in one of the wars in which our country was involved.

The Act in question specifically requires at least six months service for a district veteran affairs officer and male employees but no particular length of time is required of female employees.

From the foregoing consideration my answer to your first question is that male employees must have served at least

six months in the armed forces of the United States in time of war.

My answer to your second question is that all female employees must be possessed of an honorable discharge without any reference as to the length of service.

OFFICIAL OPINION NO. 6

February 10, 1950.

Mr. Thomas R. Hutson,
Commissioner of Labor,
State of Indiana,
225 State House,
Indianapolis, Indiana.

Dear Sir:

I have your request for an official opinion which reads as follows:

> "Will you please furnish this office with an official opinion interpreting Section 40-214, as the same applies to the check-off of Labor dues."

Section 40-214 to which you refer is Section 1 of Chapter 330 of the Acts of 1947 and the pertinent parts thereof read as follows:

> "Any assignment of the wages of an employee hereafter made shall not be valid unless:
>
> "(a) It is in writing and signed by the employee personally, and is, by its terms revocable at any time by the employee upon written notice to the employer, and such assignment is agreed to in writing by the employer.
>
> "(b) An executed copy thereof is delivered to the employer within ten (10) days after its execution.
>
> "(c) It is made for the purpose of paying the:
> "* * *
>
> "(5) Dues to become owing by the employee to a labor organization of which he or she is a member."