

vided by law, be a legal half-holiday for said county offices."

49-603 Burns' 1933; Acts 1925, Ch. 97, Sec. 1, p. 269.

To sanction such conduct on the part of an administrative board which has no authority except that granted by the statute, and which is under a legal duty to give the taxpayers a hearing on such action as here involved, would be to open the door to fraud on the taxpayers and general public, as well as invite unnecessary meetings of the council not during the usual business hours of the community, with the attendant increased expenditures of public funds to pay the per diems for such meetings. Therefore, it is my opinion that Ordinance No. 7 of the county council of Marion County is invalid.

OFFICIAL OPINION NO. 21

March 23, 1945.

Hon. L. A. Cortner, Superintendent,
Indiana Soldiers' and Sailors' Children's Home,
Knightstown, Indiana.

Dear Sir:

Your letter of February 26, 1945, received in which you request an opinion on a question substantially as follows:

Where a member of the armed forces of the United States in the present war has been officially declared by the War Department to be missing in action, may this soldier's children attend Indiana University, Purdue University, and other state colleges on a tuition free basis?

The only statute granting tuition free attendance at state universities or colleges in Indiana is Section 1, Chapter 117, Acts 1941, same being Section 28-5732 Burns' 1943 Supplement. The pertinent part of this statute applicable to the question presented is as follows:

"Any person who is a pupil of the Soldiers' and Sailors' Children's Home, or any person who for five (5) years preceding application therefor, shall have had his domicil in the state of Indiana and whose father

served in the armed forces of the United States between the sixth day of April, 1917, and the second day of July, 1921, and who was wounded, gassed or disabled as evidenced by the United States War or Navy Department records, or who is suffering from a service-connected disability as evidenced by the veterans' administration records, and who possesses the requisite academic qualifications, shall be entitled to enter, remain and receive instruction in Indiana University, Purdue University, Indiana State Teachers College at Terre Haute and Ball State Teachers College at Muncie, upon the same conditions, qualifications and regulations prescribed for other applicants for admission to, or scholars in, such educational institutions, without the payment of any tuition or matriculation fees, for a period of four (4) years while pursuing any prescribed course of education therein. * * *

The above statute would not of itself give a right to a veteran of World War II to such a benefit. However, Section 1, Chapter 254, Acts of 1943, same being Section 59-1007a Burns' 1943 Replacement, provides as follows:

"All persons who have served, or who are now serving, or who may hereafter serve as a part of the armed forces of the United States in the present war with Germany, Italy or Japan, or any of their allies, and the wives, widows, and children of such persons, who are residents of the state of Indiana, shall have and are hereby given all of the rights and privileges now held and enjoyed by soldiers, sailors, nurses and/or other veterans, their wives, widows and children, of the first world war, under existing statutes or under any statute which may hereafter be enacted."

It is a well known rule of statutory construction that courts will look to the general purpose of the statute to determine the legislative intent.

City of Indianapolis v. Evans (1940), 216 Ind. 555, 567;

State, *ex rel.* Bailey v. Webb (1939), 215 Ind. 609, 612.

Another well recognized rule of statutory construction is that statutes must be construed as a whole in order to determine the legislative intent.

Snider v. State ex rel. Leap (1934), 206 Ind. 474, 478;

State v. Ritter's Estate (1943), 221 Ind. 456, 48 N. E. (2d) 993, 998.

When the above rules of statutory construction are applied to Section 59-1007a Burns' Replacement, *supra*, it is clear the Legislature intended to grant to all persons who have served, who are now serving, or who may hereafter serve as a part of the armed forces of the United States in the present war, and to their wives, widows and children all rights and privileges now held and enjoyed by soldiers, sailors, nurses and other veterans of the first World War under existing statutes or under any statute hereafter enacted.

However, it is to be noted that only those children are granted the benefits of free tuition in said state universities or colleges under Section 28-5732 Burns' 1943 Supplement, *supra*, whose fathers served in the first World War and *who were wounded, gassed or disabled* as evidenced by the United States War or Navy Department records, or who are suffering from service-connected disability as evidence by the veterans' administration records, and which children were residents of the state five (5) years preceding such application and possess the requisite academic qualifications.

It is clear that under the facts as stated in the question presented while this soldier may be missing in action he is not necessarily wounded, gassed or disabled, nor would he come within the service-connected disability provisions of this statute.

I am therefore of the opinion that the child of such a soldier of the present World War which soldier is missing in action, would not be entitled to free tuition in the named state universities or colleges unless the War Department records show that such person has been wounded, gassed or disabled while in such service. If such War Department records show that this soldier *has been at any time in his present service in the army wounded, gassed or disabled* by reason of such service,

then such child would be entitled to such free tuition while attending such state universities or colleges.

OFFICIAL OPINION NO. 22

March 27, 1945.

Hon. Fern E. Norris,
Reporter Supreme and Appellate Courts,
State House,
Indianapolis, Indiana.

Dear Madam:

I have your letter of March 16th in which you ask the following questions:

“Whether or not the reporter should replace a volume or volumes of Indiana Reports and Appellate Court Reports at no cost in instances where the volumes have been furnished free to circuit courts or other agencies designated by statute where the reason for the replacement is that the volume or volumes have been lost or destroyed. If the answer to this question should be in the negative generally, would the fact that the volume or volumes were destroyed by fire be an exception to the rule? If the answer should be in the affirmative, then would the duty to replace include reprinted volumes?”

“Should the Reporter’s office furnish courts newly-created by the 1945 General Assembly with complete sets of the reports to date? If the answer to this question be in the affirmative, should reprinted volumes be included?”

Your first question is whether or not the Reporter of the Supreme and Appellate Courts should furnish replacements without charge to courts and agencies entitled to free volumes of the Supreme and Appellate Court reports in the first instance. Section 7 of Chapter 170, p. 389 of the Acts of 1891, as amended (49-1622 Burns’ R. S. 1933, Pocket Supplement), provides for free distribution of copies of the Supreme and