

without charge, to provide such applicant or his representative, or such Bureau, with a certified copy of such record.

2. In answer to your second question, I am of the opinion that all clerks of Circuit Courts, County Auditors and County Records are required to administer oaths, affix jurats and attestations and the seals of their respective office, free of charge, to any and all instruments in writing necessary for the procurement and drawing of any pension, bounty, back pay or prize money, for any and all soldiers, seamen, their widows or orphans.

I am further of the opinion that the answers set out to your questions numbered one and two are equally applicable to veterans of World War II.

OFFICIAL OPINION NO. 107

September 24, 1945.

Hon. Forrest V. Carmichael, Executive Secretary,
Indiana State Teachers' Retirement Fund Board,
334 State House,
Indianapolis, Indiana.

Dear Sir:

I have your letter dated September 17, 1945 concerning Chapter 328 of the Acts of the Indiana General Assembly for the year 1945. In your letter you ask an official opinion upon the following question:

“Was it the intention of the Legislature to include ‘other educational employment as defined and approved in each case by the Board’ in the list of instances wherein the restriction of ‘one (1) year in seven (7)’ shall apply, or was it the legislative intent to set it apart from the four categories originally listed in the law upon which the restriction ‘one (1) year in seven (7)’ was made directly to apply, thus permitting the Board to exercise discretion in approving more than one year in seven of such employment.”

The answer to your question depends upon a construction of Chapter 328 of the Acts of the Indiana General Assembly

for the year 1945. Section 3 (m) of said act provides as follows:

“(m) Any teacher may be given a leave of absence for study, professional improvement, temporary disability, or for United States Military, naval or allied service, not exceeding one (1) year in seven (7), and in such instances and for exchange teaching and other educational employment as defined and approved in each case by the Board such teacher shall be regarded as a teacher and entitled to the benefits of this act, provided that for or during such absence he shall pay or continue to pay into such fund the amount of assessment payable by such teacher as provided by this act: *Provided, however,* That military, naval, or allied service for the duration of hostilities or active service of the teacher therein and necessary demobilization time thereafter shall not be subject to the limitations of this provision. Credit shall be given under this act for all years of service rendered under its provisions before, as well as after, the taking effect of this act. And the full term of school in the corporation in which such services were rendered shall constitute a year of service under this act unless the period of employment was diminished by causes beyond the teacher’s control to not less than six (6) months or the full school year if less than six months. No teacher shall be granted more than a year of credit for service rendered during any one calendar year.”

The above quoted portion of the 1945 Act amended Section 1 of Chapter 28 of the Acts of 1939. (Burns’ I. S. A., 1933, Sec. 28-4511, Pocket Supp.) Before its amendment in 1945, the pertinent part of the 1939 Act provided as follows:

“(m) Leave of Absence—Limitation. Any teacher may be given a leave of absence for study, professional improvement, temporary disability, or for United States military, naval or allied service, not exceeding one (1) year in seven (7), and shall be regarded as a teacher and entitled to the benefits of this act, provided that for or during such absence he or she shall pay or continue to pay into such fund the amount

of assessment payable by such teacher as provided by this act. * * *

The 1945 Act amended the pertinent part of the 1939 Act, above quoted, by adding the following words and clauses after the phrase, "not exceeding one (1) year in seven (7)," as contained in the 1939 Act:

"* * * and in such instance and for exchange teaching and other educational employment as defined and approved in each case by the Board. * * *"

The 1945 amendment, therefore, added two additional grounds for the giving of leaves of absence under such Act, such as for exchange teaching and other educational employment as defined and approved in each case by the Board, and provided that such teachers falling within these classifications shall be regarded as teachers and entitled to the benefits of the Act. The question then is whether the time limitation, not to exceed one (1) year in seven (7), for leaves of absence, as provided in the 1945 Act, applies to all of the grounds for granting leaves of absence under the Act.

Generally, an exception is considered as a limitation only upon the matter which precedes it, but if it is clear from the legislative intent that it is considered a general limitation on the entire act, it will operate to restrict all provisions of the Act.

Sutherland Statutory Construction (3d Ed.) V. 2, Sec. 4936, p. 474;
 Crawford Statutory Construction, Sec. 91, p. 130; Sec. 297, pp. 605 and 606;
 Morrison v. State (1914), 181 Ind. 544, 550;
 Board of Commissioners v. Millikan (1934), 207 Ind. 142, 151;
 U. S. v. Bernays (1908), 158 F. 792.

Also, it is a rule of statutory construction that a change of phraseology from that of the original act will raise the presumption that a change of meaning was also intended.

Chism v. State (1932), 203 Ind. 241, 244;
 State *ex rel.* v. Deal (1916), 185 Ind. 192, 197.

An analysis of the 1945 Act above quoted indicates that the time limitation, not exceeding one (1) year in seven (7) follows the provisions of the statute for giving leaves of absence for study, professional improvement, temporary disability or for U. S. military, naval or allied service, and precedes the clause of the 1945 Act providing for leaves of absence for exchange teaching and other educational employment as defined and approved in each case by the Board. Under the above quoted rules of statutory construction, it is evident that the exception of one (1) year in seven (7) does not apply to the granting of leaves of absence for exchange teaching and other educational employment as defined by the Board unless there is evident in the Act a legislative intent to the contrary. There is nothing in the Act in my opinion which indicates such a legislative intention, and it is, therefore, my opinion that where leaves of absence are given for exchange teaching and other educational employment as defined and approved in each case by the Board, the limitation upon leaves of absence not exceed one (1) year in seven (7) would not be applicable in such cases.

OFFICIAL OPINION NO. 108

October 2, 1945.

Hon. Ralph F. Gates, Governor
 State of Indiana,
 State House,
 Indianapolis 4, Indiana.

My Dear Governor:

This will acknowledge receipt of your letter of September 24th, relative to our letter to you of September 18th, in which we enclosed copy of official opinion No. 103. In connection therewith you ask the following question:

“The question remaining on which I wish an opinion is whether or not the activities now being carried on by this Association, as evidenced by the correspondence received from Miss Helen Teal, Executive Secretary of the Indiana State Nurses Association, which I