

not more than fifty dollars (\$50.00) for the first offense, and not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100) for each subsequent offense."

While the Board of Nurses is given the right under the several provisions of the statute to pass rules and regulations governing the qualifications for a license as a Registered Nurse or a Trained Attendant, it is clear from the provisions of the aforesaid sections of the statute that the board has no power to prevent any person from nursing the sick for hire or otherwise, unless such person in carrying on such occupation holds herself out as a "Registered Nurse," "Trained Nurse," or "Graduate Nurse" or uses the abbreviations of "T. N." or "G. N." or any other words, letters or figures to indicate the person using the same is a trained, registered or graduate nurse; or unless a person is holding herself out as a "Trained Attendant," or uses the abbreviations of "T. A.," or any other words, letters or figures to indicate that the person using the same is a "Trained Attendant." However, should a person while engaged in the nursing profession use or assume any of such titles aforesaid or hold herself out as a Graduate Nurse or Trained Attendant, she would be liable to the penalties heretofore set out in Section 63-911, Burns' 1933.

AUDITOR OF STATE: Construction of 1943 Biennial Appropriation Act. Effect of double appropriation.

November 30, 1943.

Mr. Ross Teckemeyer,
Deputy State Auditor,
State House,
Indianapolis, Indiana.

Dear Sir:

I have your letter of the 22nd, in regard to the claims of the Merchants Fire Insurance Company of Indiana and the Indiana Retail Merchants Association Mutual Fire Insurance Company, which were not filed with you until after November 3rd, 1943. The pertinent provisions of the 1943 Biennial Ap-

propriations Act for the payment of those claims growing out of two judgments against the State of Indiana are as follows:

“For payment of judgments of Courts of Claims, available April 1, 1943, for the period ending June 30, 1943, three thousand seven hundred thirty-six dollars and ninety-two cents (\$3,736.92).

“Merchants Fire Insurance Company of Indiana, a corporation v. State of Indiana, Cause No. B-14735, in the Superior Court of Marion County, two thousand nine hundred seventy-three dollars and fifty cents (\$2,973.50), and

“Indiana Retail Merchants Association Mutual Fire Insurance Company v. State of Indiana, Cause No. B-14730, in the Superior Court of Marion County, seven hundred sixty-three dollars and forty-two cents (\$763.42).”

Your question is as follows:

“In your opinion, can these claims be honored at this time and paid by the Auditor of State pursuant to the appropriations set out above.”

Burns' 1933, Section 4-1506, which is Section 6, Chapter 128, of the Acts of 1889, provides for payment of judgments rendered by the Marion County Superior Court, sitting as a Court of Claims:

“Whenever, by final decree or judgment of said superior court of Marion County, Indiana, or the Supreme Court, a sum of money is adjudged to be due any person from the State of Indiana, no execution shall issue thereon, but said judgment shall draw interest at the rate of six (6) per cent per annum from the date of the adjournment of the next ensuing session of the general assembly until an appropriation shall have been made by law for the payment of the same and said judgment paid.”

An intent is thus manifested that upon the rendition of a judgment against the state, funds be appropriated to pay them at the next session of the Legislature.

Upon reading the Appropriation Act it becomes apparent that the Legislature made a double appropriation for the payment of these claims: the first, a general appropriation for payment of judgments in the Court of Claims which, through an error in drafting, was made to expire on June 30th, 1943; and the second, specific appropriations which in their total amount equal the general appropriation.

It is well settled in Indiana that in construing statutory provisions a construction should be adopted, if consistent with the language used, which will prevent defeat of the apparent legislative intent through mistake, errors or omissions.

State ex rel. v. Markey, 212 Ind. 59.

It is apparent that the Legislature intended to appropriate funds for the payment of valid judgments obtained against the state of Indiana, since at the time of filing the claims with the auditor the general appropriation for their payment had expired, it is nevertheless my opinion that in carrying out the manifest intent of the Legislature those judgments may be paid under the specific appropriation.

INDIANA STATE BOARD OF DENTAL EXAMINERS: Requirements of Dentists in the armed service with reference to license.

December 1, 1943.

Mr. C. A. Frech, D. D. S.,
 Secretary-Treasurer Indiana
 State Board of Dental Examiners,
 Gary National Bank Building,
 Gary, Indiana.

Dear Sir:

Your letter of November 24, 1943, received, which in part reads as follows:

“I would like your suggestion on the following subject:

“During the legislative session I was told that a bill had passed whereby persons in the armed forces