tion 28-4511, Burns’ Statutes 1933, Pocket Supplement, which insofar as applicable to this inquiry, reads:

“The members and beneficiaries of this fund shall include any legally qualified and regularly employed teacher, teacher-clerk, supervising principal, principal, supervisor, superintendent of schools, person in charge of teaching any special department of instruction or training, or any other teacher or instructor legally qualified and regularly employed as such in any of the public schools of this state * * *.”

Without discussing the interesting history of the legal status of Vincennes University, as presented in the statement which accompanied your letter, it may be said that Section 2 of Chapter 138, Acts 1939, in amending Chapter 175, Acts 1931, provides that upon acceptance of the provisions thereof, “any such university shall become and is hereby declared to be a public school corporation in and for the county in which it is located, and its corporate charter shall be deemed amended accordingly.” The Board of Trustees of Vincennes University accepted the provisions of this act by adoption of a resolution filed in the office of the Secretary of State March 17, 1939.

In view of the provisions of the 1939 law, and the acceptance of its terms by the University, it seems clear that the University is definitely “a public school of this state,” and that the faculty thereof may properly become members of the Indiana State Teachers’ Retirement Fund.

STATE BOARD OF BEAUTY CULTURIST EXAMINERS:
Schools of Beauty Culture—Preliminary education for students; entrance requirements.

State Board of Beauty Culturist Examiners,
Lucille M. Booher, Secretary,
301 State House,
Indianapolis, Indiana.

April 10, 1941.

Dear Madam:

I have before me your letter of recent date reading in part as follows:
"We have had experience of some applicants for examination having been accepted and trained in our beauty schools who have had less education than the law specifies, and, naturally this department has been criticized because the beauty schools allowed them to spend their time and money in training."

You submit the following question:

"Is it within the right of this Board to demand proof of applicants' education at the time they enter a beauty school, or must we wait for this proof of education until the time application for examination is received in this department?"

The requirement that applicants for a certificate of registered apprentice shall, among other things, "have an education equivalent to the completion of the 8th grade in the public schools in this State," is mandatory.

In addition applicant must be at least 17½ years of age, of good moral character and temperate habits and a graduate of an approved school of beauty culture.

Your inquiry is directed to the time when it shall be determined that the applicant for a certificate of registered apprentice has had the educational requirements above stated.

Upon this point the statute is silent though it is emphatic that such a certificate cannot be issued if the applicant fails to meet this requirement. In the logical order of things it would be expected that one who enrolls in a school of beauty culture has had at the time of enrollment, all necessary qualifications for a registered apprentice certificate except those to be gained through the course of instruction in said school and a satisfactory completion of said course, terminating in graduation. Moreover those who enroll in said schools have as their aim the procurement of a registered apprentice's certificate and it would, accordingly, be unjust, to say the least, to allow them to enroll if their educational status was such as to prevent them from obtaining this certificate upon satisfactory completion of the course of training prescribed in said school.

That it is the consensus of opinion that the educational status of one enrolling in a school for professional or technical study should first be determined prior to enrollment is amply testified to by the requirements of practically all the professional and
technical schools that satisfactory evidence of prior educational requirements must first be submitted.

It is my opinion then that no school of beauty culture should accept for training any who fails to meet educational requirements as provided in "The Indiana Beauty Culture Law," Chapter 72, Acts 1935, page 200, Burns' Revised Statutes, 1935 Supplement—Sec. 63-1801 to Sec. 63-1828 inclusive.

Schools of beauty culture must be approved by the State Board of Beauty Culturist Examiners (Sec. 3 of said Act) and a registered apprentice certificate cannot issue to one not a graduate of an approved school of beauty culture. (Sec. 5, Clause 3 of said Act.)

Sec. 23 of said Act authorizes the Board to adopt rules and regulations "not inconsistent with the provisions of this Act." A rule or a regulation adopted by the Board requiring approved schools of beauty culture (over which your Board has control) to ascertain if those seeking enrollment therein meet educational requirements before enrolling, is not only not inconsistent but practical and logical.

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INDIANA STATE LIBRARY: Wills—Bequest to township for library purposes. Town and township libraries.

April 10, 1941.

Miss Hazel B. Warren, Chief, 
Extension Division, 
Indiana State Library, 
Indianapolis, Indiana.

Dear Miss Warren:

I have your letter of February 15, 1941, in which you request my official opinion as to the establishment and maintenance of a town and township library at Zionsville, Eagle Township, Boone County, Indiana, by the township trustee thereof.

I have also your letter of February 24th submitting the pertinent item of the last will and testament of Joseph B. Pitzer, reading as follows:

"I give and bequeath to the Township of Eagle in the County of Boone and State of Indiana for the purpose of purchasing a suitable library for the use of such residents thereof as are deemed proper by the township