the legislative action in making a part of such municipally owned property subject to taxation on the ground that the taxable part was not devoted to governmental purposes. It is evident that the holdings were correct in view of the fact that there can be no exemption from taxation unless especially granted by the General Assembly, and the further fact that in granting exemptions to property used for municipal purposes, the General Assembly has the power to limit such exemptions only to property devoted to "governmental," as distinguished from "public" purposes. But the cases involved no question concerning a legislative designation of municipally owned property furnishing utility service to both the municipality itself for its own governmental purposes, and to its inhabitants and others for their private purposes, as property "used for municipal purposes." In view of the authorities above cited and our own legislative history, a designation of such property as exempt from all taxes, does not conflict with our Constitution. Your first question is answered in the affirmative.

In view of the foregoing, your board lacks the power to take either of the two courses of action suggested in your second question.

ARCHITECTS, INDIANA BOARD OF REGISTRATION FOR:
License to practice architecture, whether issuable without examination to former license-holder who has not practiced in last five years.

March 31, 1939.

Mr. Leighton Bowers, Secretary,
Indiana Board of Registration for Architects,
State House,
Indianapolis, Indiana.

Dear Mr. Bowers: Re: The Indiana Architectural Act of 1929 and its subsequent amendment, chapter 252 of the Acts of 1935, as applied to Frederick Mertz, Jr.

Your letter of March 30, 1939, for an official opinion relative to one Frederick Mertz, Jr., who asks to have his architectural license restored upon payment of registration fees, has been received.
You state in your letter, "The board therefore is at a loss to know whether it legally has the right to restore said applicant's original registration, if such a status may be placed upon this instance, and by what method, and at what cost and whether with or without a senior or junior examination."

The facts, as I gather from your letter, are about as follows: At one time Mr. Mertz, Jr., was a licensed architect; that on December 26, 1930, he wrote the following letter:

"J. B. Owens, Secretary,
Indiana State Board of Registration for Architects,
Indianapolis, Indiana.

Dear Sir:

Please be advised that I have moved my office out of the State of Indiana to Columbus, Ohio. Consequently, it will no longer be necessary for me to have an Indiana license. I trust that, rather than have my name placed on the delinquent list, it will be dropped from the roster altogether.

Yours very truly,
Frederick Mertz."

Other communications were had but I consider the above sufficient upon which to base an answer to your letter. In his letter of August 10, 1936, he states that from November, 1930 to 1934, "I had complete charge of all building operations of Sears, Roebuck & Company in central Ohio and have been active personally in the making of sketches, layouts and designs for them, however, not as a principal." He further states, "At the present time, I am District Manager of the Property Management Division of Sears, Roebuck & Company in Ohio, Indiana and Kentucky."

Section 14 of the Indiana Architectural Act, approved March, 1929, is as follows:

"Every registered architect who continues in active practice shall, annually, on or before the first day of November, renew his certificate of registration and pay the required renewal fee. Every license or certificate of registration which has not been renewed during the month of November in any year shall expire on the first day of December in that year. A registered architect whose certificate of registration has expired may have
his certificate restored only upon payment of the required restoration fee.

"Any architect registered or licensed in this state who has retired from the practice of architecture for a period of not more than five years may have his certificate of registration renewed, at any time within a period of five years after so retiring, upon making application to the board for such renewal, and upon payment of all lapsed annual renewal fees."

Section 16 of said Act is as follows:

"The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration as a registered architect, shall be twenty-five dollars.

"The fee to be paid by an applicant for a certificate of registration as a registered architect shall be twenty-five dollars.

"The fee to be paid for the restoration of an expired certificate of registration as a registered architect shall be twenty-five dollars.

"The fee to be paid upon renewal of a certificate of registration shall be twenty-five dollars.

Again on August 10, 1936, he wrote the following letter:

"Indiana State Board of Registration for Architects,
State Capitol,
Indianapolis, Indiana.

Attention: Mr. L. Bowers, Secy.

Gentlemen:

In November, 1930, I moved from Michigan City, Indiana, where I had been practicing as an architect for several years, to take charge of the Sears, Roebuck & Company Home Construction office in Columbus.

In writing you in December, 1930, it was not with the intention or understanding on my part that I would lose my privilege of renewal but rather I was anxious that I would not be placed on a delinquent list, and for the time being, I was retiring from practice as a principal.

Since then and up to 1934, I had complete charge of all building operations of Sears, Roebuck & Company
in central Ohio and have been active personally in the making of sketches, lay-outs and designs for them, however, not as a principal.

I have not taken out an architect license in the state of Ohio, because it has not been my intention to practice here, as a principal.

I am well acquainted with the architects here and would be glad to have you check the verity of the above statements with Mr. Lewis E. Warner, Jr., at 683 East Broad Street, Columbus, Ohio, and Ray Simms, 40 West Gay Street, Columbus, Ohio, both registered architects and who have been in the employ of Sears, Roebuck & Company.

At the present time, I am District Manager of the Property Management Division of Sears, Roebuck & Company in Ohio, Indiana and Kentucky.

I trust that the above information will form a basis for which you can grant my renewal.

Sincerely yours,
Frederick Mertz.”

“The fee to be paid by an applicant for a certificate of registration who is an architect registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province, shall be twenty-five dollars.”

If Mr. Mertz had made application at any time up to 1934, he would have had the right to have had his certificate restored upon the payment of the restoration fee of twenty-five dollars.

It would appear from his letter of August 10, 1936, that he was not then practicing this profession and possibly had not been since 1934. On August 6, 1936, he wrote a letter to Mr. Leighton Bowers, Secretary, Indiana State Board of Registration for Architects, enclosing a check for twenty-five dollars to renew his certificate of registration and also on August 6, 1936, he wrote a letter to the secretary asking for a renewal certificate. As it appears from his letter of August 10, 1936, that he was not practicing his profession and had not since 1934, and it further appearing that he had no Ohio license or other state license, the presumption is that he had retired from the practice but the period of his retirement from the
time he made application for a renewal certificate being less than five years, he was entitled to have a certificate of registration renewed upon payment of all lapsed annual renewal fees. As he made no tender of said fees, he could now only be issued a certificate upon taking the examination as provided for in section 9 of the Act.

PUBLIC INSTRUCTION, DEPARTMENT OF: Validity of amendatory act which omits amendatory clause from body of act although expressed in title.

March 31, 1939.

Mr. Floyd McMurray,
Superintendent of Public Instruction,
State House,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your letter of recent date requesting an official opinion, which letter reads as follows:

"Is House Bill No. 71 made invalid because of the omission of the following clause immediately succeeding the enacting clause in sections 1 and 2, the omission being as follows:

"That section 1 (2) of the following entitled Act be amended to read as follows":

In order to construe this Act fairly, I quote from the title and the act.

"A bill for an Act to amend sections 1 and 2 of an Act entitled 'An Act concerning the awarding of contracts to bus drivers by the several school townships of the state,' approved March 5, 1931, and declaring an emergency.

"Section 1. Be it enacted by the General Assembly of the State of Indiana. On either the first Tuesday in May or the first Tuesday in June of the year 1939

* * *

Section 2 similarly leaves out any reference to an amendment of any former act."