

SECRETARY OF STATE: Whether it may sell surplus copies of Acts.

August 8, 1933.

Mr. Orris R. Hooper,
Law Book Supervisor,
Department of State,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter as follows:

“There has been an offer submitted to this department for a surplus amount of Acts stored in the basement of the State Capitol Building. These copies were charged off by the State Board of Accounts several years ago.

“Question: Can the secretary of state, under section 11654 of Burns Annotated Indiana Statutes of 1926, dispose of these copies if he feels that the offer made is reasonable?”

The answer to your question is in the affirmative. Section 11634 of Burns Annotated Statutes of 1926 provides in part as follows:

“After the secretary shall have made the distribution required by this act, all copies of the Acts remaining shall be deposited in the office of the secretary of state, which copies may be sold at a reasonable price by the secretary, when called for, the amount for which they may be sold to be placed in the state treasury.”

GOVERNOR: Whether or not the minimum age limit of 45 years applies to wives as well as widows seeking admission to soldiers' home.

August 9, 1933.

Hon. Pleas E. Greenlee,
Executive Secretary,
Executive Department,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of August 5, 1933, requesting an opinion from this office on enclosed correspondence regard-

ing the application of Thomas B. Vollmer and Violet Vollmer, his wife, for admission to the Indiana State Soldiers' Home at Lafayette, Indiana.

The question presented, as I understand it, is whether or not, under section 11, of chapter 102, of the Acts of 1923, a wife of a Spanish-American war veteran, who himself is entitled to admission to the Soldiers' Home, should be refused admission on the grounds that she is less than 45 years of age.

Section 11, chapter 102, Acts of 1923, was amended by the last session of the General Assembly of Indiana. That part of the section, as amended, which is pertinent to the question presented, reads as follows:

"That all honorably discharged soldiers, sailors, marines and nurses, who have served the United States in any of its wars and all honorably discharged veterans who served in any of the authorized campaigns of the United States, having service connected disabilities, as evidenced by a pension certificate or the award of compensation, who have been residents and citizens of the State of Indiana for two years immediately preceding, and who are residents at the time of application for admission to the home, and who may be disabled and destitute; also the wives of such disabled and destitute soldiers, sailors and marines, and disabled and destitute widows over forty-five years of age, of soldiers, sailors or marines of the United States, who have been residents of the State of Indiana for two years immediately preceding, and who are residents at the time of application for admission to the home, may be admitted to the Indiana state soldiers' home as members thereof, under such rules and regulations as may be adopted by the board of trustees; Provided, That such board of trustees shall have in deserving destitute cases the privilege of admitting widows of Spanish-American and World's War veterans, who may be under the age of forty-five years;" (Our italics.)

(Acts 1933, Chap. 218, p. 1010.)

Insofar as the provision regarding age limit of female applicants is concerned, the law was not changed by the recent amendment. The section uses the language "also the wives of such disabled and destitute soldiers, sailors and marines" with-

out any qualification or limitation whatsoever as to the ages of such wives. The legislature also extended the right of admission to "disabled and destitute widows over forty-five years of age, of soldiers, sailors or marines of the United States * * *." The phrase "over forty-five years of age," following as it does, immediately after the word "widows," and preceding the descriptive phrase "of soldiers, sailors or marines of the United States," must be construed as applying only to such "widows" and not to the "wives" therein referred to.

CONSERVATION DEPT: Whether children under eighteen years of age may hunt without procuring license.

August 11, 1933.

Hon. H. G. Shinnamon,
License Clerk,
Conservation Department,
Department of Public Works,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of August 9, 1933, in which you ask my opinion upon the question presented by the enclosed communication received by your department from Clifford A. Edwards, a county clerk.

The question presented by Mr. Edwards is whether or not children under a certain age limit are exempt from procuring a license to hunt, as well as being exempt from procuring a license to fish, and what age limit is provided by law.

The statute now in force on this question, is Chapter 216 of the Acts of 1933, amending Section 26 of the Acts of 1927, and reads as follows:

"The following persons only may hunt, fish or trap without a license therefor, and upon these conditions only: The owners of farm lands who are residents of Indiana, and their children living with them, upon such lands only; bona fide tenants of farm lands, residing thereon, upon such lands only. All persons under eighteen years of age may fish without a license. Also all persons who by right of being an honorably discharged soldier, sailor, marine or army nurse are exempt from securing a license under this act." (Our italics.)