“We also believe that your department has the power to prescribe whatever conditions may, in your judgment, be necessary and requisite to the reopening and the continuing of the business of the trust company. “We therefore respectfully ask that an order be issued authorizing the St. Joseph Loan and Trust Company to resume business.”

In my opinion, subsection (b) of section 47 of the act applies to the situation outlined in the letter referred to and not subsection (a).

Legislation is to be construed in a prospective, rather than a retrospective manner. The legislature specifically referred to a financial institution such as the subject company in subsection (b) as having been closed “pursuant to any other law of the state enacted prior to the passage of this act.” There is no reference to banks closed under prior laws in subsection (a) It is my opinion further, that inasmuch as the subject company wishes to freeze its old deposits, the only manner in which it can be done, is under the subsection (b) and in the manner provided therein. It is my opinion that subsection (a) would not apply to that situation, even if closed under the new law.

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PHARMACY, BOARD OF: Duties of board of pharmacy under law governing issuance of licenses to registered pharmacists.

March 9, 1933.

Hon. Oscar E. Russell, Secretary,
State Board of Pharmacy,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter requesting an opinion as to the rights and duties of the board under the law governing the issuance of licenses to registered pharmacists.

Section 13836 of Burns 1929 Supplement to Burns Annotated Indiana Statutes of 1926, provides in part as follows:

“To be a registered pharmacist, he shall pass a satisfactory examination before said board and shall produce and file such evidence as is satisfactory to said board of having served four years in a store or pharmacy where physicians’ prescriptions are compounded.”
Section 13843 of Burns 1929 Supplement to Burns Annotated Indiana Statutes of 1926, provides in part that:

"Any registered pharmacist who shall take into his employ any person as an apprentice for the purpose of acquiring a knowledge of the profession and of becoming a pharmacist, shall require such apprentice, within ninety days after accepting such employment, to make written application to the board of pharmacy for a license as a pharmacist apprentice, and the board of pharmacy may, upon receipt of such application, require such apprentice to undergo an examination for the purpose of ascertaining his educational qualifications."

Said section also provides that:

"The period of experience required by law of applicants for registered pharmacist or assistant registered pharmacist shall be computed from the date of registration as a pharmacist apprentice and any such person who fails or refuses to register as a pharmacist apprentice shall receive no credit for experience as an employee in a pharmacy."

It will be noted from the foregoing, that one of the qualifications of a registered pharmacist is satisfactory evidence of having served four years in a store or pharmacy where physicians' prescriptions are compounded. Section 13843, supra, further provides that this qualification may be satisfied by four years service as a pharmacist apprentice, provided such apprentice is registered as required by law, the time of service to be computed from the date of registration. Said section further provides that "any such person who fails or refuses to register as a pharmacist apprentice shall receive no credit for experience as an employee in a pharmacy." Your first question is as follows:

"Is an applicant who attained his experience as an apprentice in another state than Indiana (the same being a state which had no apprenticeship statute) prevented from taking the examination in Indiana by virtue of this fact, other requirements being complied with?"

From what has been said, I think that this question should be answered in the affirmative unless the applicant has satis-
fied the experience requirement by being a graduate of a school of pharmacy of such standing and requirements as is satisfactory to the board of pharmacy, in which case, the actual time spent in attendance at such school must be accepted as an equivalent for a term of service of equal length in a store or pharmacy where physicians' prescriptions are compounded. (Burns 1929 Supplement to Burns Annotated Indiana Statutes of 1926, Section 13836.)

Your second question is as follows:

“This applicant holds a certificate of apprentice pharmacist dated June 5, 1920, but the certificate is one of a series of blank certificates which contained the following statement to-wit: 'whose time of apprenticeship began on the 1st day of October, 1919, and the time of experience required of the owner of this certificate when applying for examination as registered pharmacist shall be computed from the above date.' The italicized portion of the above quotation, with the exception of the date, was printed on the registered apprentice blanks in use at that time and was not in accordance with the statute (Acts 1919, p. 95) and the board wants to be instructed as to whether to be governed by the statute which course would render applicant in question ineligible for examination, or by the wording of the certificate which the former board issued to this applicant and under which the applicant would be granted permission to take the examination for registered pharmacist's certificate.”

The answer to this inquiry is apparent. The board has no right to abrogate or annul the law which so clearly prescribes the qualifications for a registered pharmacist.

**PUBLIC INSTRUCTION, DEPT. OF:** Whether person legally qualified must be resident of county to be eligible for election as county superintendent.

Hon. Grover Van Duyn, Assistant Superintendent,
Department of Public Instruction, Indianapolis, Indiana.

Dear Sir:

I have before me your letter submitting the following question: