“Applying the same reasoning to his second delinquency following his arrest in the State of Illinois, appellee's term of service in the Indiana State Prison was, by his own act and the operation of the statute, extended to December 4, 1957.”

It appears to me that there is no way, manner or means by which the term of the lawful sentence of an inmate may be decreased, without final discharge, by the Board of Parole. The only question which you have asked me, as above noted, is whether a delinquent parolee who has been “Reinstated on Parole” still owes the State of Indiana the delinquent time. It is my opinion that he must complete his entire term, whether on parole or otherwise, unless the same be decreased by action of the Governor by commutation, or unless the same be terminated either by action of the Governor or by discharge by the Board of Parole pursuant to the provisions of the Acts of 1897, Ch. 53, Sec. 13, as found in Burns’ (1956 Repl.), Section 13-412.

OFFICIAL OPINION NO. 11
February 7, 1958

Mr. Kenneth Marlin, Director
Department of Conservation
311 West Washington Street
Indianapolis, Indiana

Dear Mr. Marlin:

Your letter of 3 January 1958 in which you request an Official Opinion of this office, reads as follows:

“I respectfully request that you issue an official opinion regarding the interpretation of Section 1 (f) which applies to the last paragraph on Page 1004 of the Acts of 1957, Chapter 343. Section 1 (f) in part reads as follows: ‘The fees received from the sale of such stamps shall be used by the Indiana Department of Conservation for the purpose of propagation of trout and the planting of trout in the rivers and waters of the State, any other provision of this Act notwithstanding.’ (Underscoring mine.)
"The last paragraph on Page 1004, Acts of 1957, Chapter 343, reads as follows: 'From and after July 1, 1957, fifty cents (50¢) from each fee received pursuant to the provisions of this section shall be transferred to and placed in a separate account of the state treasury by the Indiana Department of Conservation for the exclusive use of the Department in the acquisition, establishment, operation and maintenance of public hunting and fishing sites.'

"I wish to determine whether or not the phrasing in Section 1 (f) is paramount to the last paragraph on Page 1004, Acts of 1957, Chapter 343, which provides for fifty cents (50¢) of all fees to be placed in another fund."

In the Acts of 1957, Ch. 343, Sec. 1, as found in Burns' (1957 Supp.), Section 11-1403, reads as follows:

"The director, his duly authorized agents, and clerks of the circuit courts of the respective counties in this state are hereby authorized to issue the following licenses to hunt, trap, or fish in this state under such regulations or restrictions in this act provided or as may hereafter be provided by law, upon the payment of the following respective license fees for the same:

* * *

"(f) A license, as evidenced by a stamp prepared under the supervision of the director, which when affixed to any fishing license issued pursuant to this section shall authorize the holder thereof to fish for trout subject to the provisions of this act, $2.00. The fees received from the sale of such stamps shall be used by the Indiana department of conservation for the purpose of propagation of trout and the planting of trout in the rivers and waters of the state, any other provision of this act notwithstanding. Any person fishing for trout without the stamp required by this subsection shall be guilty of a misdemeanor.

* * *

"From and after July 1, 1957, fifty cents [50¢] from each fee received pursuant to the provisions of this
section shall be transferred to and placed in a separate account of the state treasury by the Indiana department of conservation for the exclusive use of the department in the acquisition, establishment, operation and maintenance of public hunting and fishing sites."

In answering your question on the above statute, it is necessary to apply the two following well-known rules of statutory construction:

1. "* * * in construing statutes, words and phrases will be given their plain, ordinary and usual meaning unless a different purpose is clearly manifest by the statute itself * * *.*"

R. L. Shirmeyer, Inc. v. Indiana Revenue Board et al. (1951), 229 Ind. 586, 99 N. E. (2d) 847.

The foregoing rule of construction was followed and restated by the Supreme Court in the case of Overlade v. Wells (1955), 234 Ind. 436, 127 N. E. (2d) 686.

2. "* * * A statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant, and so that one section will not destroy another unless the provision is the result of obvious mistake or error."


It should be pointed out that the provision in the last paragraph of Burns' 11-1403, supra, concerning the disposition of 50¢ of all fees received pursuant to this act is the only other provision in the act concerning the disposition of funds other than the provisions in Section 1 (f) concerning the disposition and use of the $2.00 trout licensing fee.

In construing this act so as to give effect to the language in Section 1 (f), which, in providing for the disposition of the $2.00 trout licensing fee says, "Any other provisions of this act notwithstanding," I must conclude that the Legislature intended that the $2.00 trout licensing fee be used exclusively for the purpose stated without deducting the 50¢ therefrom.
Therefore, it is my opinion that all receipts from trout licensing fees are to be used in accordance with the provisions of Section 1 (f) for the propagation of trout in Indiana. It is my further opinion that no transfer of funds as provided for in the last paragraph of the statute can be made from moneys received for trout licensing fees.

OFFICIAL OPINION NO. 12

February 13, 1958

Mr. Edwin Steers, Sr.
Member, State Election Board
108 East Washington Building, No. 1108
Indianapolis 4, Indiana

Dear Mr. Steers:

This is in reply to your request for an Official Opinion concerning the filling of a vacancy in the office of a county commissioner. The correspondence which is attached to your letter reveals the following factual situation:

While serving a three-year term as county commissioner from Center District (Porter County) running from 1 January 1955 to 31 December 1957, to which he had previously been elected, Otto W. Gibbs in the 1956 election ran for and was elected to the same office for the three-year term running from 1 January 1958 to 31 December 1960.

On 1 January 1957 Mr. Gibbs, at the swearing in ceremonies at the court house for all of the persons elected to office in the 1956 election, presented himself and with the others verbally took his oath of office and subscribed and swore to this oath on the back of his certificate of election as county commissioner for the term running from 1 January 1958 to 31 December 1960.

On 1 April 1957 Mr. Gibbs died in office.

On 16 April 1957, the two remaining county commissioners elected or appointed Frank A. Ferguson to