occurred prior to the effective date of the 1957 Act. If the increase of capital stock occurred after the effective date of the 1957 Act, you should compute the fee on amounts stipulated in the 1957 Act.

OFFICIAL OPINION NO. 56

December 6, 1957

Mr. Paul L. Myers
Chairman
State Board of Correction
210 State House
Indianapolis, Indiana

Dear Mr. Myers:

I have your request dated October 4, 1957, in which you ask the following questions:

"(1) What is the minimum age at which male offenders may be committed to the Indiana State Farm?

"(2) Can juvenile offenders be committed to the Indiana Boys' School for the commission of crime?

"(3) Do municipal or city courts, having committed offenders to the Indiana State Farm, have the power by letter—or otherwise, to reduce penalties after the person has started serving the sentence at the Farm?

"Does the Superintendent of the State Farm have to recognize such change of sentence?

"(4) Under the Acts of 1957, Chapter 356, Page 1040, it is provided that persons 15 years of age may be transferred to the Criminal Division of the Court for trial as an adult. If a person 15 years of age is convicted of a felony, to what institution would he be committed?"

I am unaware of any statute which establishes a minimum age at which male offenders may be committed to the Indiana State Farm. However, I know of no situation in which a boy under the age of 15 years could legally be sentenced to the
Farm. The various statutes regulating the age of commitment to the various institutions are directives to the courts having jurisdiction. Therefore, in the event a convict is received at a penal institution and there is a question as to the commitment because of his age, the Superintendent of the institution should immediately contact your office and if you have further questions I shall be happy to consult with you as to the particular case.

Your second question must be answered in the negative. 1948 O. A. G., page 431, No. 70, correctly states that any child found guilty of the commission of a crime must be sentenced to a penal institution. The juvenile courts have jurisdiction over delinquent, neglected or dependent children only, and do not have criminal jurisdiction over minors.

No court, either municipal, city or otherwise, has the power to change a commitment or judgment by simply so stating in a letter to the institution. However, courts may, by proper order, alter their former judgments according to the manner prescribed by law. Under the Rules of the Indiana Supreme Court, Rule 2-40B the courts not only have the power but the duty to correct an erroneous sentence upon the petition of the defendant. Any penal institution in this State which is the recipient of a court order entered pursuant to this Rule, or entered in the same term as the original judgment, must, of course, comply with such order.

I might point out that no court order should ever be ignored by the head of a penal institution. If there is any question as to the manner in which the order was made or the legality of such order, such question may be referred to this office for consideration as to proper action. Every court order must either be obeyed or immediately made the subject of further action in the court which rendered it, or in the Supreme Court of Indiana.

In answer to your fourth question I would point out that, according to the nature of the crime and attending circumstances, the court might order the defendant committed to any one of our penal institutions. I would further point out that under Burns' (1956 Repl.), Section 13-915, the Board of Managers of the Indiana Boys' School (powers now held by Department of Correction) may accept a 15-year-old who has
been sentenced for a crime and may order him confined in such penal institution as it deems proper under the circumstances. In any event the subject should be accepted at the institution to which he was committed, and then transferred as the Department may deem proper.

In conclusion, therefore, it is my opinion that:

1. There is no specific statutory minimum age of commitment to the Indiana State Farm;

2. No boy can be sentenced to the Indiana Boys' School for the commission of a crime;

3. Indiana courts have the power to correct sentences under Rule 2-40B, Rules of the Indiana Supreme Court. Orders entered pursuant to this Rule must be recognized by the penal institutions;

4. A person 15 years of age, convicted of a felony, may be committed to any one of our penal institutions according to the surrounding circumstances. It is within the power of the Department of Correction to transfer any person so sentenced to the institution which they may deem proper.

OFFICIAL OPINION NO. 57

December 10, 1957

Mr. Howard F. Tudor
Chairman, Indiana Real Estate Commission
145 West Washington Street
Indianapolis, Indiana

Dear Mr. Tudor:

I am in receipt of your letter of October 2, 1957, in which you request an Official Opinion with regard to the Acts of 1949, Ch. 44, and which reads as follows:

"1. Pursuant to the provisions of Chapter 44 of the Acts of 1949, being the Real Estate License Law of the State of Indiana, does the Indiana Real Estate Commission have the right in addition to the issuance of individual licenses to issue the following types of licenses:"