Torrell v. State (1929), 89 Ind. App. 125, 127, 128, 166 N. E. 8;
Shacklett v. State (1925), 197 Ind. 323, 326, 150 N. E. 758;
Cosilito v. State (1925), 197 Ind. 709, 712, 151 N. E. 721;
Spurgeon v. Rhodes (1906), 167 Ind. 1, 9, 78 N. E. 228;

I am, therefore, of the opinion, that such claims are legal and valid and within the authority of said Board providing money for their payment is available and the same is properly appropriated and providing, of course, such investigation was made in a manner not to violate the entrapment rule herein considered.

OFFICIAL OPINION NO. 17

June 6, 1955

Major General H. A. Doherty
Adjutant General of Indiana
212 State House
Indianapolis, Indiana

Dear General Doherty:

This is in reply to your inquiry in which you requested an Official Opinion as to the following:

"* * * an opinion based on House Bill 98, approved March 13, 1953, which placed the Soldiers and Sailors Monument and the Indiana World War Memorial under the Office of the Adjutant General, as to whether by direction of the Governor, the Adjutant General could:

"1. Either eliminate the Soldiers and Sailors Monument Board and transfer this responsibility to the present World War Memorial Board, or combine the two.
"2. Have the present superintendent of the World War Memorial take over the duties of the superintendent of the Soldiers and Sailors Monument with necessary police power."

The Acts of 1953, Ch. 240, Sec. 1, as found in Burns' Indiana Statutes (1952 Repl., 1953 Supp.), Section 45-1906a, provides in part as follows:

"The board of control of the state soldiers’ and sailors’ monument created by chapter 242 of the Acts of 1901 * * * are hereby transferred to the office of the adjutant-general of the state of Indiana for state administrative purposes only.

"This act shall not be interpreted as transferring any of the powers, jurisdiction or duties, other than state administrative duties, of the above named agencies to the office of the adjutant-general."

The limitations mentioned in the foregoing statute transfer only the ministerial duties of the boards involved to the jurisdiction of the office of the Adjutant General. Such ministerial or administrative duties mean merely the day-to-day administration. [2 C. J. S., Administrative, p. 56.]

The Trustees of the Indiana World War Memorial were granted only limited jurisdiction and powers to act concerning Memorial Place under Acts of 1920 (Spec. Sess.), Ch. 50, Sec. 6, as found in Burns' Indiana Statutes (1951 Repl.), Section 59-207. Memorial Place is specifically described in the Acts of 1920 (Spec. Sess.), Ch. 50, Sec. 5, as amended, as found in Burns' Indiana Statutes (1951 Repl.), Section 59-205.

The Legislature has limited the power and jurisdiction of the Board of Control of the Soldiers and Sailors Monument by specifically designating and referring to the ground belonging to the state and the City of Indianapolis as delegated in the Constitution of the state as Governor's Circle in the Acts of 1917, Ch. 65, Sec. 1, as found in Burns' Indiana Statutes (1951 Repl.), Section 59-101.

In 42 Am. Jur., Public Administrative Law, § 26 it is stated that:
"* * * General language describing the powers and functions of an administrative body may be construed to extend no further than the specific duties and powers conferred in the same statute. * * *

In the case of State ex rel. Licking Township v. Clamme et al. (1923), 80 Ind. App. 147, 134 N. E. 676, the Appellate Court in referring to the powers of the State Board of Accounts and the Department of Inspection and Supervision of Public Offices said:

"Each of the above-named governmental agencies is an administrative body and has no power except that which is expressly granted, plus whatever further power, if any, which is granted by necessary implication. * * * Those duties are of such a character that they may be discharged fully and completely without the aid of any implied power; and there is no intimation or suggestion in the statute that the legislature intended to grant that board any power whatsoever by implication."

The foregoing case also quoted the Indiana Supreme Court, Julian v. State (1889), 122 Ind. 68, 23 N. E. 690, as follows:

"It is a well-settled doctrine that officers of the State exercise but delegated power, * * * and he, as such officer, can only exercise such power as is delegated to him by statute. * * *"

From the foregoing, and in answer to both of your questions, I am of the opinion that since only ministerial duties of the Board of Control of the State Soldiers and Sailors Monument and the Trustees of Indiana World War Memorial were transferred to your office, and since the jurisdiction and powers of these agencies are specifically limited by the Legislature in each case, any power or authority which might be transferred from one such agency to the other would be outside the scope of the legislative intent creating such agency.

Therefore, I do not think the Adjutant General can take the action indicated in either question one or two of your letter.