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fiary the amount of money she has paid into such fund together with compound interest at the rate of 4% per annum to date of death. Under the latter acts such interest payment would be restricted to the rate and for the period prescribed in the statute under which such teacher retained membership in such fund.

TLW :man

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### OFFICIAL OPINION NO. 117

December 1, 1949.

Miss Eudora Kelley

Reporter of Supreme and Appellate Courts  
State House  
Indianapolis 4, Indiana

Dear Miss Kelley :

I have your letter of October 25th, requesting an official opinion, which reads as follows :

“This office is confronted with the problem of determining which volumes have been reprinted since we are not permitted to distribute reprinted volumes free of charge. In checking our records we have learned that some books included in our inventory are not part of the original stock and are not books that have been reprinted. These books have been bound from sheet stock which was either on hand or purchased. The problem is to determine whether the books in this latter category should be considered as reprints.

“We are authorized by Section 2, Chapter 182, Acts of 1945, to reprint volumes when the inventory is less than 20 and the books referred to in this letter have been purchased from money appropriated by the above statute. From this statute the Legislature intended to create a self-liquidating program to make available copies of the reports. The cost of the program was to be paid by the purchasers of the book. If we charged only for reprinted books (by the dictionary sense) the program will apparently not be self-liquidating.

“In your official opinion No. 44 it was decided that reprinted volumes could not be distributed free of charge. The problem is, therefore, presented as to whether books which were bound only would be considered in the reprint program and not subject to free distribution.”

As I understand your request, you have on hand certain books which have been bound from sheet stock or purchased under authority of Chapter 182 of the Acts of 1945 and you desire to know whether those particular books can be distributed free. You mention that you have an official opinion which states that reprinted volumes cannot be distributed free and are seeking to ascertain whether the books mentioned above come into this category. It seems quite apparent that the books above referred to could not be classed as “reprints”. However, in order to determine what disposition may be made of them it is necessary to consider not only Chapter 182 of the Acts of 1945 but also Chapter 37 of the Acts of 1943 (Burns’ Supplement 49-2008) and Chapter 170 of the Acts of 1891 as last amended by Chapter 310 of the Acts of 1947 (Burns’ Supplement 49-1622). The 1945 Act appropriated certain monies to purchase plates, sheet stock and bound volumes of Indiana Reports owned by the Bobbs-Merrill Company. The Act also authorized the replacement of volumes for which no plates are available and further authorized the reprinting of any and all Reports when the number on hand for the purchase of sale at retail of any volume falls below twenty copies. It is to be noted that nowhere in this statute is any provision made for free distribution.

The 1943 Act mainly concerned the transfer of powers from the Secretary of State to the Reporter. However, it did authorize the Reporter to order unbound sheet stock printed in addition to the number of bound copies now provided by law and further authorized the Reporter to distribute a copy of each without charge to any Legal Aid Society in the State of Indiana organized not for profit.

The only other provision for distribution of any volumes acquired in any manner that I am able to find is in the 1947 amendatory Act referred to above.

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In examining this Act the only reference that I find which in my opinion would cover the types of books mentioned in your request and which would authorize free distribution is to the Indiana University School of Law.

I find that the Statutes relating to distribution of reports and the duties of the reporter concerning the same have been interpreted by this office on several occasions. 1943 O.A.G. 472; 1945 O.A.G. 104, 318, 561. These opinions I have rather thoroughly digested those statutes and consequently I do not feel the necessity to restate the authority and reasoning used therein.

It is established from these opinions that the reporter, as a state officer, has only such powers and authority as are given by statute and those necessarily implied and that in order to authorize free distribution, the recipient must be specifically named in the distribution statute for the particular type of reports under consideration.

Therefore, it is my opinion that the books which you purchased or had printed from sheet stock under the authority of the 1945 Act must be sold unless the prospective recipient comes within a specifically named class as outlined in the above mentioned statutes.

HVW:vb:man

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OFFICIAL OPINION NO. 118

December 1, 1949.

Mr. Otto K. Jensen  
State Examiner, State Board of Accounts  
State House, Room 304  
Indianapolis, Indiana

Dear Sir:

Your request of October 26, 1949, for an official opinion reads as follows:

“Since rendition of your Official Opinion No. 77 to Mr. Noble W. Hollar, Chairman, State Board of Tax Commissioners, innumerable questions have been pre-