answered in the affirmative, except that mileage should be allowed at five cents per mile each way per day actually traveled between their homes and the court room.

Question number two should be answered in the negative. Only the jury fee of $3.00 is taxable as costs.

Question number three should be answered as follows: The jury fee should be taxed as costs in each cause tried, regardless of the number of convictions.

Question number four should be answered as follows: The per diem and mileage should be paid by the city. The jury fee is not payable by the city but is taxed as costs in favor of the city, much the same as witness fees are charged in favor of the witness. If the defendant or defendants are found guilty and sentenced and pay the costs including the jury fee, then the jury fee is credited to the city.

Question number five should be answered in the affirmative.

Question number six should be answered in the affirmative. That is, the collectible costs due the city should be paid into the general fund.

Question number seven should be answered as follows: The city should pay the cost of meals so long as the jury is kept together, but the cost of meals is not taxable as costs against the defendant if convicted. See Burns Statutes, Section 9-1810.

OFFICIAL OPINION NO. 9
March 17, 1949.

Mr. Everett L. Gardner, Director,
Indiana Employment Security Division,
141 South Meridian Street,
Indianapolis, Indiana.

Dear Sir:

I have your letter under date of March 15, 1949 asking for an opinion as to whether Section 2401, page 727, Acts of 1947, constitutes an unqualified acceptance of the provisions of the United States Employment Service Act, June 6, 1933, 48 Stat.

The purpose of the United States Employment Service Act is to establish and maintain a public employment office in any state, contingent upon the state accepting the provisos of the federal law.

Attention is particularly called to Section 1904 of the Employment Service Act, in which it is stated:

"In order to obtain the benefits of appropriations * * * a state shall, through its legislature, accept the provisions of sections 1901-1911 of this title and designate or authorize the creation of a State agency vested with all powers necessary to cooperate with the United States Employment Service. * * *"

This section requires that before any state may participate in the apportionment of federal funds, it shall consent without reservation to all the provisions of the act. Other sections of the law have to do with the amount of apportionment, the plan for carrying out the law, filing reports, and etc.

The 1947 session of the General Assembly of the State of Indiana, in order for our state to participate in the apportionments as provided for in the United States Employment Service Act (supra), enacted Section 2401 (supra), the substance of which is as follows:

"The Board shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purpose of performing such duties as are within the purview of the act of Congress of the United States, entitled 'An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes,' approved June 6, 1933. The provisions of the such and several acts of Congress of the United States of America are hereby declared accepted by the State of Indiana, in conformity with the terms of such acts of Congress, and the State of
Indiana commits itself to the observation of and compliance with the requirements of such acts of Congress, and the Board is constituted the agency of the State of Indiana for all purposes of said Acts of Congress in this Section referred to. All duties and powers conferred upon any other department, agency, or officer of this state relating to the establishment, maintenance, and operation of free public employment offices shall be vested in the Board. In order to secure to this state the benefits of the said acts of Congress, the Board, being charged with the duty to cooperate with any official or agency having powers or duties under the provisions of said acts of Congress, is hereby authorized and empowered to do and perform all things and acts which are required by such acts of Congress, or any rules or regulations consistent therewith and fully authorized thereby, and not inconsistent with or in contravention of other express provisions of this Act, other laws of the State of Indiana and/or the powers of the board to fully determine the policies and procedures for the efficient administration of this Act.

At the same session our legislature enacted into law Chapter 178, page 605, Acts 1947, providing for the state:

"* * * to accept the provisions of any law of the Congress of the United States of America, or any rule, regulation, order or finding made pursuant thereto, * * * to cooperate with the federal government, or to receive benefits for itself or any of its citizens; and the state, or any political subdivision thereof, is hereby authorized and empowered to do any and all acts, and to make any rule, regulation, order, or finding, that may be necessary to cooperate with the federal government or to effectuate the purposes of any such federal law."

Therefore, in determining whether our legislature intended Section 2401, page 727, Acts 1947, when read with Chapter 178, page 605, Acts 1947, to constitute an unqualified acceptance of Sections 1901-1911, Chapter 16, 42 U. S. C. A. (Commonly known as the Wagner-Peyser Act), there can be but one conclusion—our legislature very definitely and unquali-
fiedly accepted each and every provision of the Federal Act and also designated and authorized the creation, and did create, a state agency vested with all powers necessary to cooperate with the United States Employment Service. This conclusion is not in any way affected or restricted by the language appearing in the next to the last sentence of Section 2401, supra.

JAW:je

OFFICIAL OPINION NO. 10
March 21, 1949.

Hon. C. E. Ruston,
State Examiner,
State Board of Accounts,
State House, Room 304,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge your request for an official opinion of the Attorney General on the questions submitted by you and which are as follows:

"1. When a city judge issues a warrant for a person accused of crime to be returned from another county in the State, what mileage or fee is the officer returning the person entitled to receive for his service?

"2. Is the cost of returning such person to be paid by the city or by the county in which the city is located?

"3. Should any costs of returning such person be taxed as costs in the case? If so, would the amount so taxed be the actual cost of returning such person or would the amount taxed be as prescribed by Section 2, Chapter 18, Acts of 1917 (Burns 1933, Section 4-2412) ?

"4. If the county in which the city is located is obligated to pay the cost of returning a person from another county to the city court, and if costs for the return of such person are taxable in the case, upon collection of the costs, should the court or the clerk thereof reimburse the county for the amount expended by the county for returning such person?