

ports of the Supreme or Appellate Courts they may be sold by you with the permission of a majority of the members of the respective courts.

I call your attention to the fact that Chapter 279 of the Acts of 1947 places the jurisdiction and power of selling materials or equipment which are surplus, obsolete or unused in the Director of Public Works and Supplies. See Section 5, Clause 8, and Section 12 of said act. Said act, however, in respect to said sections does not go into force and effect until midnight of the 30th day of June 1947.

OFFICIAL OPINION NO. 22

May 7, 1947.

Brigadier General Howard H. Maxwell,
Adjutant General of State of Indiana,
212 State House,
Indianapolis, Indiana.

Dear Sir:

I have your letter as follows:

"1. During the existence of the Indiana State Guard, several of the units have accumulated a fund intended to be used in furtherance of the instruction, entertainment and welfare of the members of the unit, also to purchase equipment for use of the unit. These funds have been acquired from the following sources:

"a. Proceeds from canteens, entertainments, shows, etc., earned by the collective efforts of the members of the unit.

"b. Contributions from local armory funds by the local armory board.

"2. Several of the State Guard units are now being deactivated and the question has arisen as to what disposition should be made of the balance of mentioned funds now in the hands of the units, as well as

to the ownership of the property which was purchased from these funds during the past five years.

“3. Your formal opinion is respectfully requested.”

I call your attention to Opinion No. 85, page 362, of the Opinions of the Attorney General for 1944, which goes into considerable detail as to the character and nature of non-appropriated military funds including such funds as described in your letter. In the case of Standard Oil Company v. Johnson (1942), 316 U. S. 481, the Supreme Court discussed the nature of post exchange funds and pointed out that the profits and proceeds from canteens, etc., do not go to individuals, but are handled under military regulations.

I call your attention to page 378 of said opinion of the Attorney General where it is pointed out that the custody and disbursement of such funds are regulated by general orders and military regulations. In this connection I call your attention to Army Regulation 210-50 of the War Department covering non-appropriated funds, which include such funds as are described in your letter, for the method similar funds are handled by United States military forces.

It is my opinion that the disposition of the funds and property mentioned in your letter should be covered by general order or regulation which would preserve them in so far as possible for the units which will succeed the units being deactivated.

OFFICIAL OPINION NO. 23

May 8, 1947.

Hon. Forrest V. Carmichael,
Executive Secretary,
Indiana State Teachers' Retirement Fund,
336 State House,
Indianapolis 4, Indiana.

Dear Sir:

Your letter of April 25, 1947 has been received requesting an official opinion on the following questions: