State Board of Accounts,
304 State House,
Indianapolis 4, Indiana.

Gentlemen:

This will acknowledge your letter of recent date in which you request my official opinion upon the following question:

"Can the overseer of the poor employ one investigator and/or one other assistant at the expense of the township, where the number of families receiving assistance or making application for help or assistance regarding which the trustee must make a record or report, is less than 61?"

The general power to employ supervisors, investigators and other assistants in discharging the duties of the trustee concerning the relief of the poor is contained in the following section:

"The township trustee of each township of this state, in his ex officio capacity as overseer of the poor within his township, shall have authority to employ supervisors, investigators and other assistants in discharging his duties concerning the relief of the poor in such township and to fix the salaries or wages to be paid to such supervisors, investigators and assistants."

Section 52-183 Burns' 1933 (Pocket Supp.), Section 1, Chapter 208, Acts 1937.

The limitation on the general power to employ which is involved in your question is as follows:

"* * * The number of investigators employed in any one month shall not exceed one investigator for each one hundred twenty families or major fraction thereof who receive assistance, or make application for assistance, or who make application for any form of help or assistance regarding which the trustee must make a record or report for that month, whether the
same is granted or refused. * * *” (Our emphasis).

Section 52-186 Burns’ 1933 (Pocket Supp.), Section 3, Chapter 260, Acts 1945.

When both of the above sections are construed together, it is evident that the statute authorizes the employment of one investigator where the number of families receiving assistance or making application for assistance is less than sixty-one (61) in any one month, and that the employment of two investigators where the number of families is less than sixty-one (61) would be unauthorized.

OFFICIAL OPINION NO. 100

December 19, 1946.

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

Dear Mr. Ruston:

I have your letter of recent date in which you request my official opinion upon the following statement of facts and questions:

"Some time ago a number of suits were filed in the Superior Court at Michigan City, Indiana, against the city of Michigan City, by Barrett Law bondholders to collect the amount of the city’s liability on such bonds caused by a diversion of Barrett Law funds. The court rendered judgment and ordered the city treasurer to pay the amount of the city’s liability with interest on delinquency to date of payment of the judgment. The money which was used to pay these deficiencies was raised by a general obligation bond issue. Such money was disbursed in accordance with the order of the court.

"The city of Michigan City is the owner of improvement bonds issued by the town of East Gary. The town of East Gary is now willing to pay the town’s liability,