

However, under all the foregoing authorities, it is clear that the present war has not been terminated in the legal sense and will not so terminate until formal action is had by competent authority terminating the war and re-establishing peace.

The courts have used the date of the ratification of the peace treaty as the termination of the war with Spain. The dates used for the termination of the Civil War were those fixed by the President by proclamation and adopted by Congress. (It must be remembered this war was in the nature of an insurrection and not war with a foreign nation.) The First World War is generally recognized as terminated by the Joint Resolution of Congress, July 2, 1921.

Until there is some such formal action terminating the present war, it must be considered as not terminated in the legal sense even though actual hostilities may be at an end.

OFFICIAL OPINION NO. 104

September 18, 1945.

Hon. Ralph F. Gates, Governor,
State of Indiana,
State House,
Indianapolis, Indiana.

My dear Governor:

This will acknowledge receipt of your letter of September 14, relative to the appropriation for the Indiana State Nurses Association. The language in question appears in Chapter 186, page 485, of the Acts of 1945, and the pertinent part is as follows:

“That the appropriation herein made is for the purpose of aiding the state nurses association in recruiting students and nurses for the war efforts and that any balance remaining unexpended *at the close of the war* shall thereupon revert to the general fund.”

It will be noted from the above language that this appropriation does not revert to the general fund until the close of the war. I enclose herewith copy of official opinion No.

103 to the Labor Commissioner, in which I express my opinion upon the legal effect of such language as "at the close of the war." For the reasons stated in that opinion, I am of the opinion that said appropriation has not as yet reverted to the general fund.

OFFICIAL OPINION NO. 105

September 19, 1945.

Hon. Hinkle C. Hays, Member,
Flood Control and Water Resources Commission,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your letter of August 30th, inquiring as to the validity of two resolutions adopted by the executive committee of the Indiana Flood Control and Water Resources Commission at its meeting held August 17, 1945. Concerning said resolutions you state:

"1. The minutes of the meeting show the following: 'Mr. Chambers asked that additional personnel be employed for the engineering group and that Mr. Harker be permitted to employ them. Mr. Wiley made the following motion: "I move that the Chief Engineer be authorized to employ a hydrologic engineer, a geologist, and a draftsman." The motion was seconded by Mr. Morse and carried.'

"2. Also the minutes show the following: 'The question of federal river authority was taken up and the following motion was offered by Mr. Wiley: "I move, as a member of the Executive Committee, that we do not approve any establishment of river authority in Indiana." Mr. Roessler seconded the motion which carried unanimously.'

You state that you raise no point as to the merit of either motion, but only question of the authority of the executive committee to act in either matter as and when it did, and asking for an opinion for the guidance of the commission and the executive committee.