

upon the question of the appointing power to fill vacancies in the office of city judge.

An examination of the state records shows that during the last twenty years vacancies in the office of city judge have been filled by appointment by the Governor, in sixteen instances, two of which appointments were made in 1942. While this practical construction is not conclusive, as was stated in the "Berghoff" case, *supra*, this practical construction over a period of twenty years is entitled to weight.

It is my opinion that the vacancy in the office of city judge of Michigan City should be filled by appointment by the Governor.

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OFFICIAL OPINION NO. 7

February 14, 1945.

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

My Dear Governor:

Your letter of February 8th requests an official opinion as follows:

"I would like to know whether we have any right to issue travel orders for people who are not employees of the state."

Although a state official is not an employee of the state, you would be authorized to issue an out-of-state travel order for a state official, if the state official be upon business of the state in connection with his official duties or authorities.

It is possible to conceive of a situation where the interests of the state should be represented and best served outside of the State of Indiana by someone who was not a state official or a state employee. For instance, there might be a conference in some other state which concerns matters of great importance to the State of Indiana, and it might be very desirable to have some person attend this conference who would not be an officer or an employee of the state, but who has special

knowledge of the matters to be considered by the conference. It is my opinion that the Governor would have full authority to make this person an agent *ad hoc* of the state, and his necessary traveling expenses out of the state would be properly allowed by you, to be paid out of your contingent funds. The Governor's discretion in such matters is very broad. See 1929-30 O. A. G., p. 215. But if any person seeking out-of-state travel authorization should not be a representative of the state or the interests of the state in any manner, it is my opinion that a travel authorization would be improper.

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## OFFICIAL OPINION NO. 8

February 15, 1945.

Hon. George W. Henley,  
Leader of the Majority,  
House of Representatives,  
State House,  
Indianapolis, Indiana.

Dear Mr. Henley:

Your letter of January 25, 1945, received requesting an opinion as to whether or not veterans of World War II may attend state institutions of higher learning on a tuition-free basis.

The only statute granting tuition-free attendance at state institutions in Indiana is Section 1, Chapter 117, Acts 1941, same being Section 28-5732 Burns' 1933 Supplement, which provides the children of veterans of World War I who have been wounded, gassed or disabled and who possess the requisite academic qualifications, shall be entitled to enter, remain and receive instruction in Indiana University, Purdue University, Indiana State Teachers' College at Terre Haute and Ball State Teachers' College at Muncie without the payment of any tuition or matriculation fees for a period of four (4) years.

The above statute would not of itself extend any right to a veteran of World War II. However, Section 1, Chapter 254, Acts 1943, same being Section 59-1007a Burns' 1943 Replacement, provides as follows: