that the girl should be and is fully released to the particular family and finally discharged from the custody of the board.

Except as rules and regulations of the type above referred to are adopted by the board, and administered as respects girls who have been placed in homes on trial, there is no authority given to the board to release or discharge girls committed to its custody until they are twenty years of age.

Section 13-712, Burns' etc., 1933, supra, contains the following:

"The board of trustees shall adopt rules for the conduct of the girls legally committed to their custody and also for their release and after-supervision until twenty years of age, not inconsistent with this act."

The last quoted statute permits the adoption of rules and regulations for the supervision of girls during the maximum time for which they may be subject to the custody or supervision of the Board, that is, until they become twenty years of age.

It is not inconsistent, however, with the authority to adopt regulations providing for the release of girls upon trial to homes and, if such trial release is satisfactory, for their full and final release to such homes, all subject to the discretion of the board.

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INDIANA STATE TEACHERS COLLEGE: Appropriation—Whether capital outlay appropriations can be used to pay outstanding bonds.

September 16, 1942.

Hon. Ralph N. Tirey, President,
Indiana State Teachers College,
Terre Haute, Indiana.

Dear Sir:

I have before me your letter of September 8, 1942, reading in part as follows:

"The General Assembly of 1941 appropriated $53,509 for the use of Indiana State Teachers College, and designated as Educational Improvement Fund, for the fiscal year beginning July 1, 1942, and ending June 30, 1943. It was the intention of the Legislature in mak-
ing this appropriation that said funds should be used for the construction of buildings, other structures, and for the purchase of real estate or equipment. Owing to the emergency conditions of the present, the Indiana State Teachers College Board would like to have approval of the State Budget Committee to use part of the $53,500 for the retirement of certain bonds issued for the construction and equipment of dormitories, music hall, and gymnasiums. The Statutes authorizing such issue of bonds are as follows:

"Chapter 49, Acts of 1929, page 105, approved March 8, 1929, relating to Construction of Music Hall, Gymnasium, Student Building, etc.


You submit the following questions:

"Would it be possible to use part of State Educational Improvement Fund appropriated for the fiscal year 1942-43 to retire the bonds issued under the above statutes and falling due during the fiscal year 1942-43?

"Could any other miscellaneous receipts at the disposal of the State Teachers College Board be used to retire said bonds referred to above even though such revenue did not accrue as income from the buildings constructed by the issuance of the above said bonds?"

I find that the $53,500 referred to in your letter was appropriated to the institution in the following language:

"For Indiana State Teachers College capital outlays for the fiscal year beginning July 1, 1941, fifty-three thousand five hundred dollars ($53,500).

"For Indiana State Teachers College capital outlays for the fiscal year beginning July 1, 1942, fifty-three thousand five hundred dollars ($53,500)."
"PROVIDED, That such appropriation for capital outlay or any part thereof may be used only upon the authority of the Budget Committee. * * *"


The term "capital outlays" as used in the Act making the above appropriation is defined as including "equipment, land, structures and non-structural improvements as hereinafter defined." The only subdivision of capital outlays which needs to be considered in replying to your questions is that subdivision defining structures, which definition is as follows:

"The term 'structures' as used in this act shall be construed to include new buildings, additions to buildings, and betterments in structures."

It seems to me that in view of the above definition its statement is sufficient to make very clear that this particular appropriation cannot be used, even with the approval of the Budget Committee, for the payment of the bonds referred to in your letter.

It is true that the Act providing for the issuance of bonds for the construction of dormitories referred to by you reads:

"* * * Whenever the net income of such dormitory in any year shall not be sufficient to meet the total amount of principal and interest of such bonds falling due in such year, then such board may pay the balance of such principal and interest so falling due out of any of the other revenues and funds of such normal school which may be available therefor. * * *"

Burns' Indiana Statutes Annotated (1933), Section 28-5223.

The question which arises at once with respect to these bonds is as to whether the appropriated sum is a fund available to meet deficiencies in the bond account. I think this question necessarily must be answered to the effect that such an appropriation is not available. The appropriating Act very clearly limits the use of the appropriation to capital outlays as defined in the appropriating Act, and clearly with respect to structures, is intended to include only "new build-
ings, additions to buildings and betterments in structures.” To be more specific the appropriating Act clearly does not contemplate the use of the capital outlays appropriation for the retirement of bonds issued prior thereto. The Legislature had the undoubted authority to prescribe and limit the use of an appropriation by it; and that apparently is what has been done in this case.

When I come to an examination of the Act under which the music hall bonds were issued, I am confronted with the same situation. See Section 2 of Chap. 49 of the Acts of 1929.

In my opinion your first question should be answered in the negative.

Without further information upon the subject, I am unable to answer your second question. I am not advised as to just what miscellaneous receipts are at the disposal of the Indiana State Teachers College Board. If you will indicate what these miscellaneous receipts are I can then pass upon that question.

INDIANA STATE POLICE: Whether a charge of vehicle taking under the statute must be filed where the vehicle was originally taken.

September 18, 1942.

Mr. Don F. Stiver,
Superintendent, Indiana State Police,
State House,
Indianapolis, Indiana.

Dear Mr. Stiver:

I have before me your request for an official opinion which reads in part as follows, to-wit:

“Will you furnish me with an official opinion on the question as to whether or not a charge of vehicle taking may be placed in the county where the vehicle has been apprehended, or must the charge be filed in the county where the vehicle was originally taken.”

The legislature in 1941 enacted a new law defining vehicle taking and providing for the penalty. This new act reworded and combined two previous acts, but the substance of the law