SOLDIERS' HOME, INDIANA STATE: Use of funds received from pensions of members for building improvements.

March 22, 1939.

Mr. Thomas J. Beasley, President,  
Board of Trustees,  
Indiana State Soldiers’ Home,  
428 Bankers Trust Building,  
Indianapolis, Indiana.

Dear Doctor:

Your letter of March 20, addressed to the Attorney General, has been referred to me for reply.

As I understand from your letter and a recent conversation I had with you, you desire to know whether or not the Board of Trustees of the Indiana State Soldiers’ Home would be justified in making improvement in the old wing of the hospital, unused since 1922, and in refurbishing the “Old Men’s Building,” out of funds raised pursuant to section 11, of the Acts of 1928, chapter 102. The section provides among other things:

“Provided, That such Board of Trustees shall have in deserving destitute cases the privilege of admitting widows of Spanish-American and World’s War veterans, who may be under the age of forty-five years; that in making regulations governing the admissions, maintenance and discharge of members of said Soldiers’ Home, it shall be lawful for said Board of Trustees to make it a condition for the admission to said Home that all soldiers, unmarried, receiving a pension, compensation or gratuity from the United States exceeding sixteen dollars ($16) per month; all soldiers, married receiving a pension, compensation or gratuity from the United States exceeding twenty-five dollars ($25) per month; and all widows and nurses admitted thereto receiving a pension, compensation or gratuity exceeding sixteen dollars ($16) per month, from the United States, shall pay such excess into a fund to be used by the Board of Trustees in any manner that will add to the comfort and welfare of the members of said institution:”

It is my judgment that the Board of Trustees are fully
justified under this provision of this act to use any part of the fund that will add to the comfort and welfare of the members of said institution. And that the Board is legally justified in using any part of the fund in rehabilitating the hospital and in furnishing the "Old Men's Building" in any manner that will add comfort and welfare to the members of the institution.

PUBLIC SERVICE COMMISSION: Exemption of motor vehicles in transporting supplies, fertilizer, and fertilizing materials for farming purposes under Clause (f), Sec. 3, House Bill No. 468.

March 24, 1939.

Mr. William A. Stuckey,
Director Motor Vehicle Department,
State House,
Indianapolis, Indiana.

Dear Mr. Stucky:

In reply to your letter of March 23, 1939, in which you asked for an opinion as to whether or not the transportation for hire of supplies, fertilizer and fertilizing materials under House Bill No. 468, 1939, is exempt, I wish to advise you that in my judgment the questions should be answered in the affirmative.

Under clause (f) Sec. 3 of the Act as amended, the intent and purpose of the language is to exempt motor vehicles when the property transported consists of supplies, fertilizer, and fertilizing materials necessary for farming purposes when such supplies, fertilizer or fertilizer materials are in transit to or from farms to or from the place of manufacture or place of distribution.