

From the foregoing, it follows that, in my opinion, your first question should be answered in the negative and your second question should be answered in the affirmative. The above answers, however, are subject to the following limitations, viz.: while your questions seem to assume that the appointment of a "county agent" is made by the county board of education, the law specifically and in terms provides for the appointment to be made by Purdue University *subject* to the approval of the county board of education and the state board of education. In other words, an effective appointment requires the approval of the two boards and the designation by Purdue University.

WOMAN'S PRISON, SUPERINTENDENT OF: Whether it is permissible to give "time off" for good behavior to inmates.

February 13, 1933.

Mrs. Marion F. Gallup,
Superintendent, Indiana Woman's Prison,
Indianapolis, Indiana.

Dear Madam:

I have before me your inquiry of February 8th, in which you desire me to express an opinion as to whether or not it is permissible for your institution to give "time off" for good behavior to the inmates of the Indiana woman's prison.

Under the provisions of an act of 1883, a diminution of the sentence because of good behavior was authorized. Later, under our so-called Indeterminate Sentence Law, the former statute was repealed by implication. The question of whether or not the two statutes could stand together, was passed upon in the case of McCoy v. Reed, 172 Ind. 182, in which case, at page 193 of the opinion, the court used the following language:

"The inconsistencies between the provisions of these two acts are obvious; therefore, it is not necessary that all be referred to or pointed out specifically. That the act of 1883 was repealed by implication by the indeterminate act in question, follows as a logical conclusion."

It is my conclusion, therefore, that there is no provision whereby you may shorten the period of the incarceration of your prisoners for so-called "good behavior" and only legislation authorizing the same would make such action possible.