used in the section of the statute here under consideration, must be given its popular significance, namely as immediate offspring. It is therefore, my opinion, that a step-child of an honorably discharged soldier would not be eligible to be admitted to the Indiana Soldiers' and Sailors' Children's Home.

WEIGHTS AND MEASURES, DEPT. OF: Inspector of weights and measures—authority of county council to appropriate money necessary for salary of.

August 18, 1933.

Hon. M. L. Lang,
Commissioner of Weights
and Measures,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of August 11, 1933, in which you ask the following questions:

1. Does the county council have the authority to refuse to appropriate such sums of money as are necessary for the salary and office maintenance of a county inspector of weights and measures in a county where:

   (a) the population is 30,000 or more;
   (b) the population is less than 30,000, or
   (c) the same person is employed as both city and county inspector?

2. Does the county council have the authority in any of the above cases, to appropriate a sum so small for the salary and maintenance of the office as to make the continuance of the office impossible?

The law applicable to the matters inquired about, is found in sections 3 and 4 of chapter 86, Acts of 1925. (Sections 14570, 14571, Burns Annotated Indiana Statutes, Revision of 1926.) These sections read in part as follows:

"The board of commissioners of every county of thirty thousand population or more shall, and the board of commissioners of any county of less than thirty thousand population may appoint a county inspector of weights and measures. No person shall be appointed as a county inspector of weights and measures in any
county unless such person shall have been approved by the state commissioner of weights and measures, and no county inspector of weights and measures in any county shall be removed by the board of commissioners without the approval and consent of the state commissioner of weights and measures. The compensation of a county inspector of weights and measures in counties of thirty thousand population or more shall be not less than twelve hundred dollars per year, and in counties having a population of less than thirty thousand, the compensation of the county inspector of weights and measures shall be not to exceed five dollars per day, to be determined by the board and to be paid out of the county treasury: Provided, however, That it shall not be obligatory upon the board of county commissioners of such counties containing a city or cities of the first, second or third class which are already provided with an inspector of weights and measures or city sealers, to make such appointments. The board shall provide the necessary apparatus and supplies for the said inspector of weights and measures and the county councils of such counties shall appropriate such sums of money as are necessary for the salary and maintenance of the office.

"* * * If deemed desirable or advantageous, the same person may be employed as a city and county inspector of weights and measures, and if the same person be so employed the compensation and expenses of such inspector shall be divided between the city and the county, as agreed upon. The compensation of such an inspector of weights and measures shall not be less than fifteen hundred dollars per annum in the case of cities of the first class, and not less than twelve hundred dollars per annum in case of cities of the second and third class." (My italics.)

You will note from the above quotations, that the board of commissioners has the power of appointment in all cases, the exercise of the power being mandatory in counties of a certain size and discretionary in the remainder. In all cases, however, it is provided that "the board shall provide the necessary apparatus and supplies for the said inspector of weights and
measures and the county councils of such counties shall appropriate such sums of money as are necessary for the salary and maintenance of the office."

In all cases, it seems clear that the exact amount of salary, subject to the minimum of $1,200 per year in counties of thirty thousand population or more, and the maximum of $5 per day in counties of less population, is to be fixed by the board of commissioners, and it is mandatory upon the county councils to appropriate such sums of money for salaries as are fixed by the boards of commissioners within the limitations provided by the act. It is also mandatory upon county councils, in counties where inspectors are appointed by the commissioners, to appropriate "such sums of money as are necessary for * * * maintenance of the office." (My italics.)

In cases where the same inspector serves for both the county and city, under section 4 of the act, supra, it is mandatory upon the county council to appropriate the county's share of salary and expenses, "as agreed upon" between the board of commissioners and the city officials.

I would answer both of your questions in the negative as to all cases referred to, assuming of course, that the appointment of such inspector has actually been made by the proper board of county commissioners and his salary fixed by such board in compliance with the statute.

GOVERNOR: Executive Administrative Act—whether it includes committee on buildings and grounds.

August 21, 1933.

Hon. Wayne Coy,
Under Secretary to the Governor,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter in which you submit the following question:

"Does the executive administrative act include the committee on buildings and grounds?"

Section 2 of chapter 4 of the Acts of 1933, provides as follows:

"Sec. 2. That there be and there is hereby created and established eight executive including administrative