HIGHWAY COMMISSION: Authority of commission to 
make adjustments in previously existing contracts by rea-
son of application of NRA Code.

August 25, 1933.

Hon. James D. Adams, Chairman,
State Highway Commission,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter submitting the following ques-
tions:

"(1) Prior to July 15, 1933, the commission entered 
into numerous contracts for the purchase of material, 
such as gravel, stone, cement, etc. These contracts 
will run for several months. The price, of course, 
was fixed on the contract at so much per ton, cubic 
yard, or barrel, as the case might be. We are having 
numerous inquiries from the persons under contract to 
furnish such commodities, if the state will pay the ad-
tional labor cost occasioned by their entering into 
a new code of wages in conformity with the request of 
the president. All of the above contracts were let on 
competitive bidding.

"Question: Is the highway commission authorized to 
pay anything in addition to the contract price, occa-
sioned as above?

"(2) The highway commission, prior to July 15, 
1933, entered into numerous contracts for the construc-
tion of highways, which are now being carried out by 
the contractors. These contractors want to know if 
the state will pay the additional cost of labor, etc., 
which the contractors will have to incur if they sign 
the NRA agreement.

"Question: Has the commission authority to pay such 
additional cost?

"(3) The highway commission prior to July 15, 
1933, entered into contract for the construction of cer-
tain roads, the same to be paid for out of federal emer-
gency relief funds granted last year by the govern-
ment. The highway commission has contracts either 
contemplated or under way, which will take all of the 
federal funds apportioned to the state highway commis-
sion for emergency relief. Contractors now having contracts want to know if they sign the NRA agreement and adopt the code obligating themselves to pay increased wages, if the state will reimburse them out of state funds.

"Question: Has the commission authority to pay such additional cost?"

All three questions are answered in the negative. It is clear that contractors under the conditions stated, have a moral claim to price adjustment which eventually may be accomplished by relief legislation, but I know of no authority now existing in the commission to grant such relief.

FARM, INDIANA STATE: Whether duty of parole board to consider release of inmate at expiration of minimum term when no application for parole is filed.

August 25, 1933.

Mr. Ralph Howard, Superintendent
Indiana State Farm,
R. R. No. 5,
Greencastle, Indiana.

Dear Sir:

I have before me your letter of August 21, 1933, concerning the case of Dalton Pepple, prisoner number 62478. You state that the prisoner's determinate sentence for one year has been commuted by executive order to an indeterminate sentence of from six months to one year, and ask whether the board of parole of your institution should consider this prisoner's case at the expiration of the minimum period of six months, or whether it should wait until a petition is presented by the prisoner or by someone in his behalf.

Section 12387, Burns' Annotated Indiana Statutes, Revision of 1926, being section 3 of an act passed by the legislature in 1897 (Acts 1897, p. 219), provides:

"The board of commissioners of paroled prisoners for each of said prisons shall meet at such prison, from time to time, as they shall deem necessary, or as they may be called to meet by the warden of such prison. At each meeting of said board held at such prison,