to your questions must depend, therefore, upon whether the funds referred to by you are required to be thus deposited.

Section 19 of the Public Depository Act provides in part that:

"The state board of finance shall arrange for the deposit of all state funds held by state schools or educational institutions, and all funds held by any state institutions now authorized to keep public funds on hands, in banks or trust companies, convenient to said officers or institutions, and said deposits shall be made in accordance with the provisions of this act." (Our italics.)

Burns Annotated Indiana Statutes of 1926, section 12629.

The Indiana State Soldiers' Home is a state institution and, in my opinion, the funds referred to by you are "public funds" within the meaning of section 19 of the Public Depository Act. It is my opinion, therefore, that depository interest on these funds is subject to diversion to the state sinking fund for public deposits as provided in chapter 33 of the Acts of 1932, supra.

The answer to your second question, is in the affirmative. As to your first question, the fund referred to is to be devoted to particular specified uses as provided by statute and to that extent is impressed with a trust for those uses, but that fact, in my opinion, would not affect its status to the extent of changing its actual character as a public fund.

GOVERNOR: Special judge, requirements necessary for appointment of; In re cause No. 8192 Delaware Superior Court.

January 30, 1933.

Hon. Paul V. McNutt,
Governor of Indiana,
Indianapolis, Indiana.

My dear Governor:

In the matter of the appointment of a special judge in cause No. 8192 In the Delaware Superior Court.

I have before me the original of a certification by the clerk of the Delaware Superior Court with reference to the appointment of a special judge in the above entitled cause. This
certificate is issued pursuant to the provisions of section 451, Burns Annotated Indiana Statutes of 1926, which provides among other things that:

“In the event such appointment” (that is, appointment of a special judge upon the filing of a motion for change from judge) “is not made within five (5) days by said regular judge, the clerk of the court in which said action is pending shall forthwith, upon the request of either party, certify the facts to the governor, and thereupon the governor shall appoint another special judge who shall have like jurisdiction.”

The clerk in this particular case certifies that an affidavit for a change of judge was filed on January 23, 1933, and that no appointment has been made at the time of the certificate, which is shown to be January 30, 1933. The clerk further certifies that the certificate is made pursuant to the request of the defendants.

While this certificate is not in the best of form, it apparently contains all the essential facts authorizing you as governor to appoint a special judge in said cause pursuant to the above statute.

HIGHWAY COMMISSION: Right of highway commission to certify statement of cost of bridge across Whitewater Canal to canal company or one holding fee simple title to canal property at point of crossing.

January 31, 1933.

Hugh A. Barnhart, Director,
State Highway Commission,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of January 27, which is as follows:

“In 1930, the Indiana state highway commission under the authority conferred by chapter 13, Acts of 1929, constructed a bridge to carry state road 1, across the Whitewater Canal at a point approximately two miles north of Connersville.

“This act provides that the director of the state highway commission shall certify to the auditor of state and