February, 1933, and to continue during period of plaintiff's disability as a result of said injury, not exceeding the period fixed by law, and requiring that all deferred payments owing the plaintiff by reason of said compensation be paid in cash and in a lump sum forthwith. That on the 4th day of April, 1933, the sum of $99.00 was paid said plaintiff to apply on the compensation due him, bringing the compensation payments to date. That the physician, hospital and nurse's services were paid by the industrial board.

"The question confounding the industrial board at the present time is just from which fund the balance of the compensation due this plaintiff should be paid, and we would appreciate if you would kindly advise us from which fund to make settlement with Mr. Wolf for his compensation."

It should be noted that there is no fund provided for in the budget of the industrial board of Indiana for the specific purpose of making compensation payments. By their very nature such payments are in lieu of salaries or wages for personal services. The compensation payment represents compensation which would normally accrue to the individual from the personal services fund.

It follows logically, then, that in the absence of a fund specifically designated to meet the contingency of such compensation payments, that such payments should be made from the fund designated for the payment of personal services.

PUBLIC INSTRUCTION, DEPT. OF: (1) Deputy county superintendent, salary (2) county superintendent, mileage; (3) Sec. 6514, B. R. S. 1926 not repealed by Acts of 1933; (4) effective date chapter 21, p. 144, Acts of 1933.

August 28, 1933.

Hon. Grover Van Duyn,
Assistant Superintendent,
Department of Public Instruction,
Indianapolis, Indiana.

Dear Sir:

In your letter of August 28, 1933, you ask:
“(1) Does the 1933 statute fixing salary of county officials necessarily deny the county superintendent of schools, in counties having between 15,000-25,000 population, a deputy, provided the trustees recommend and county council approves?”

The Acts of the General Assembly of 1933, chapter 20, section 2, at page 90, does not mention deputies in the class of population between 15,000 and 25,000. Section 16 of this act, at page 114, reads as follows:

“This act shall be considered as an independent act and not supplemental to any law now in force fixing the salaries of the officers and deputies herein named and all prior laws and parts of laws pertaining to the salaries of any public officers herein named, and all laws and parts of laws in conflict with any of the provisions of this act are hereby repealed.”

It is noted in the construction of the act, which is section 16 above quoted, that the words “deputies herein named” are used. Section 6514 Burns Revised Statutes of 1926, the same being the Acts of 1911, page 156, which section is as follows:

“Assistant, appointment, compensation. The township trustees may authorize the county superintendent to appoint an assistant, to assist him in the execution of his official duties if, in their judgment, such assistant is necessary. Such assistant shall be appointed by the county superintendent and shall work under his direction and supervision. Such assistant shall be employed for a number of days at a salary to be determined by the township trustees of the county. The salary fixed by the township trustees for such an assistant shall be paid out of the county treasury, upon warrant issued by the county auditor,”

as you see, provides for an assistant to the county superintendent. It follows, then, that since the Acts of 1933, say nothing concerning the deputy county superintendent, and section 16 of said Acts of 1933, at page 114, has to do with deputies herein named, that the law in force is section 6514 Burns Revised Statutes; that is, that a deputy superintendent in the above class may be employed by the county superintendent to assist him in the execution of his official duties
and that the salary of such deputy shall be fixed by the township trustees and paid out of the county treasury upon warrant issued by the county auditor.

Your second question, "Does the 1933 statute deny mileage to county superintendent, provided the board of education and county council approves?" has been heretofore answered. According to a former opinion from this office, the 1933 Acts deny mileage to the county superintendent.

Your question (3), which is as follows: "Does the 1933 statute so stated repeal section 6514 Burns 1926, which law gives a county superintendent a deputy?", is answered in point one herein. It may be added that the first question answered had to do with a special class; that is, counties of the population between 15,000 and 25,000. In this class, the 1933 Acts do not repeal section 6514 of Burns Revised Statutes of 1926.

You ask in your fourth question, "Does this 1933 law forbid granting mileage prior to January 1, 1934?" The Acts of 1933, chapter 21, reading on page 114, provide as follows: "Effective Date. Sec. 18. This act shall be in full force and effect on and after January 1, 1934." It follows from the reading of section 18, that the law heretofore in effect pertaining to mileage continues in effect until January 1, 1934; that is, mileage is not forbidden until January 1, 1934.

ADJUTANT GENERAL: Liability insurance—on armory properties as required by contract—vouchers to be honored.

August 29, 1933.

Hon. Elmer F. Straub,
Adjutant General,
Indianapolis, Indiana.

Dear Sir:

I have before me your request for an official opinion regarding the following:

"Referring to your conversation of this date with Major Thompson, of this department, regarding liability insurance on the various trusteeed armories over the state, it is requested that an official opinion be rendered, in order that the auditor’s office will honor vouchers for this type of insurance."