state printing as applied to work specified in an "exhibit A" attached to your inquiry.

Since both, the contract and the exhibit, are too extensive to be set forth, I shall submit only my conclusions concerning them: all of the items detailed in the exhibit are covered by the contract entered into between the State of Indiana through its Board of Public Printing and the Haywood Publishing Company of Lafayette, Indiana, for the period from December 2, 1931, to December 2, 1933.

To approach the problem that concerns you directly, it is my opinion, that the items specifically listed in "exhibit A," being embraced by the contract referred to, may only be supplied to the state by the other contracting party during the life of the contract.

TREASURER OF STATE: State Sinking Fund—when depository interest on Barrett Law funds to be paid into.

September 12, 1933.

Hon. William Storen,
Treasurer of Indiana,
Indianapolis, Indiana.

Dear Sir:

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

"In cause No. A-70374, Timothy P. Sexton, as Treasurer of Marion County, et al., v. William Storen, as Treasurer of the State of Indiana, et al., the court ruled that Barrett Law depository interest should not be paid into the State Banking Fund.

"This case was tried under the Sinking Fund Act of 1932, and previous to the enactment of chapter 262, Acts of 1933, which provides that if such funds are deposited and secured as public funds are deposited and secured, then such depository interest may be diverted in the same manner and for the same uses and purposes as depository interest on public funds are diverted, etc.

"The question now arises that if such Barrett Law funds are deposited as other public funds and no surety
or collateral is given by the depository to especially protect this fund, does the interest become a part of the State Sinking Fund as interest on other public funds does?"

In the case of Barrett Law funds created *prior* to the taking effect of chapter 262 of the Acts of 1933 (effective March 11, 1933), it would seem that the declaratory judgment in the cause to which you have referred is controlling. In dealing with such funds, the court there said:

"The position of the holder of Barrett Law Bonds is somewhat different from that of any other defendant. These bonds are not secured by the promise of any governmental unit. They are secured by a lien on the private property of individuals. When the bonds of the defendant Abel Brothers were purchased, the law required the interest on certain payments made by private individuals and held in trust to go to a fund for the use and benefit of the bondholder. Under the law it was held in trust for the payment of the bond and constituted a part of the security therefor, as completely as the lien upon the real estate constituted such security. I am of the opinion, therefore, that the diversion of this interest constitutes an invasion of the contract rights of the bondholder. But, in addition to this reason, the city acts as trustee only in receiving payment of the liens from the property owners. The city does not own the money or any part thereof. It was not raised by taxation. It is in the possession of the city only for the purpose of discharging the personal debt of the real estate owner and, it seems to me, does not come within the class of funds which are collected by the state or city for use in the governmental functions. It is the money of the propertyholder until it reaches the creditor and to permit any use of the same for purposes other than the discharge of the debt would seem to be a violation of trust principles."

However, the status of Barrett Law funds created *subsequent* to the taking effect of chapter 262, Acts of 1933, has been materially affected by that act. This difference and the answer to your inquiry is to be found in the language em-
ployed by the general assembly in section 1 of chapter 262, pages 1163 and 1164, Acts of 1933:

"* * * All depository interest earned under the provisions of this act, shall belong to and become a part of the 'special assessment delinquency and deficit fund' and shall not be diverted therefrom, under the terms and provisions of any law heretofore made, nor for any purpose whatsoever; Provided, That if such funds are deposited and secured as public funds are deposited and secured, then such depository interest may be diverted in the same manner and for the same uses and purposes as depository interest on public funds is diverted. * * *"

As to such funds, then, it is my opinion, that where they are deposited as other public funds and no surety or collateral is given by the depository to especially protect these funds, then the interest becomes a part of the state sinking fund in the same manner as does interest on other public funds.

MOTOR VEHICLES, BUREAU OF: Drivers’ license law—from what fund is same administered.

September 13, 1933.

Department of Treasury,
Bureau of Motor Vehicles,
Hon. Frank Finney, Commissioner,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter in part as follows:

"Under the Driver's License Law enacted in 1929, cost of administration was provided from receipts from the sale of driver licenses.

"The law states, 'All fees so collected shall be retained in a separate fund and shall be expended (a) to pay for all printing, postage, equipment, traveling expenses and other necessary expenditures to administer this act; (b) for all clerical assistance necessary to administer this act;' etc.