county auditor to draw his warrants for each claim for poor relief. The court in that case decided that it was the duty of the county to advance the necessary money for poor relief to the respective township trustees and that the duty to pay the claims was a duty of the respective township trustees.

In answer to your second question, so far as the disbursement of poor relief funds received as federal aid through your commission is concerned, I think the commission, subject to any rules and regulations made by the federal emergency relief administration, can assume full control over the method of the disbursement of such funds.

I am of the opinion, therefore, that under the conditions set out in your letter, you have the authority to require the disbursement of federal aid for poor relief in the usual manner as was done prior to the decision of the court in the Wayne Township case.

As to your third question, I do not think your commission has any authority to require the disbursement of township funds for poor relief in any manner other than as provided by the laws of the State of Indiana. You have no control over the funds provided by the respective townships. Your authority is limited to the disbursement of federal funds and, of course, as to them, as already stated, you may make such rules and requirements as you desire, subject only to the requirements of the federal emergency relief administration.

HEALTH, STATE BOARD OF: Rights and liabilities of Indiana state prison in use of proposed sewage disposal works at Michigan City.

October 31, 1933.

Mr. Louis A. Geupel,
Chief Engineer,
Division of Public Health,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of October 28, 1933, in which you ask, in substance, whether or not the Indiana state prison could make use of sewage disposal facilities proposed to be constructed by the municipality of Michigan City without paying for such service. You state that at present the sewage wastes from the Indiana state prison are carried by the city’s
sewerage system, through what is known as the "Fourth Street sewer."

The act providing for the construction of sewage disposal plants and the establishment of rates for the service is chapter 61, Acts of 1932. (As amended, chapter 187, Acts of 1933.) Section 14 of the act contains the following provision:

"The common council of the city, or the board of trustees of the town, shall have power, and it shall be its duty, by ordinance to establish just and equitable rates or charges for the use of and the service rendered by such works, to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses such works by or through any part of the sewerage system of the city or town, or that in any way uses or is served by such works..." (My italics.)

It cannot be disputed that the State of Indiana comes within the general provisions of the italicized language, supra, with respect to the real estate and buildings comprising the Indiana state prison. While it is a general rule of statutory construction that the state and its agencies are not to be considered within the purview of a statute, unless an intention to include them is clearly manifest, nevertheless, the general rule has been declared not to apply where the statute, as here, is one made for the public good. And it has been held that the state may have the benefit of general laws.

59 Corpus Juris, 1103, 1104;
U. S. v. Knight, 10 L. Ed. 465;
City of Milwaukee v. McGregor, 121 N. W. (Wis.) 642.

The statute in question would affect the state in its proprietary capacity, as an owner of real estate, and not in its capacity as the sovereign power. It would be benefited to the extent that its polluted wastes would be treated and cleaned by the proposed treatment works. Without regard to whether or not it would come within the language of the act, it is my opinion, that the state prison would be liable on the theory of quasi-contract, or contract implied in law, for the service rendered in the event that it continues to use that service after the sewage disposal works have been placed in operation.

Your question is answered in the negative.