inmate in question to a proper state hospital for the insane
until he shall be entitled to his discharge from the Indiana
boys' school. However, as a strictly legal proposition, the
act of 1917, above referred to, probably would confer ample
authority on the governor to order the transfer from the boys'
school to the hospital for insane criminals.

It should be noted, further, that the board of control of
the Indiana boys' school may, by its rules, provide for the
discharge of any boy at any time by the superintendent, with
the approval of the board. If this were done, the responsi-
bility of the boys' school would be terminated and proper pro-
cedings would have to be brought as in other cases for his
commitment to a hospital for the insane.

The other application for transfer referred to in your letter,
is made by Dr. Richard Schillinger, Medical Superintendent of
the Richmond state hospital, in the case of one James Robi-

son. Not only do the facts presented make it a proper case
for action by the governor under the provisions of the act of
1917, supra, but the case falls directly under the provision of
section 4 of the 1923 act, as quoted hereinabove. It appears
from the facts accompanying the application that the inmate
has "homicidal and criminalistic habits and tendencies to a
degree requiring prison surroundings and protection of life or
property." All that is required to authorize the transfer,
since the application evidences the consent of the superintend-
ent of the Richmond state hospital, is the consent of the
warden of the Indiana state prison and the approval of the
governor.

MOTOR VEHICLES, BUREAU OF: Operation of motor ve-
hicle while intoxicated; Acts of 1933, does not repeal chap-
ter 213, Acts 1925.

December 2, 1933.

Hon. Gus Mueller,
Chief Hearing Judge,
Department of Treasury,
Bureau of Motor Vehicles,
State Capitol Building,
Indianapolis, Indiana.

Dear Sir:

I have at hand your letter of date December 1, in which
you request an official opinion as to whether or not section 40
of chapter 213, of the Acts of the Indiana General Assembly for the year 1925, was repealed by either chapter 79, of the Acts of the General Assembly for the year 1933, or section 40 of chapter 80, of the Acts of the Indiana General Assembly for the year 1933, and whether or not said section 40 of said chapter 213, is still in existence.

Chapter 213 of the Acts of 1925 (Acts 1925, page 570) is an act entitled "An act providing for the registration and licensing of motor vehicles, motor bicycles, tractors, trailers and semi-trailers, for the regulation of the use and operation thereof on the public highways, defining chauffeurs and providing for the examination and licensing thereof, the suspension and revocation of licenses, and the transfer of ownership, requiring the keeping of certain records of motor vehicles, motor bicycles and motor trucks for which storage, supplies or repairs are furnished, providing that liens may be taken thereon, and prescribing penalties for the violation thereof."

Section 40 of said act provides as follows:

"Any person who shall drive or operate a motor vehicle or motor bicycle on any highway of this state while under the influence of intoxicating liquor or narcotic drugs shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall, for a first offense, be punished by a fine of not to exceed five hundred dollars ($500.00), to which may be added imprisonment for a term of not less than ten (10) days and not more than six (6) months; and for a second or other subsequent offense, such person shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by imprisonment for a term of not less than one (1) year and not more than five (5) years."

By an examination of the title of chapter 213, it will be seen, therefore, that said chapter is an act dealing with the registration, licensing and regulation of the use of motor vehicles on the public highways of the state.

Chapter 79 of the Acts of 1933, is entitled "An act to repeal an act entitled 'An act concerning intoxicating liquors', approved March 4, 1925, and all acts amendatory thereof and supplemental thereto, and declaring an emergency."

Section 1 of said chapter 79, provides as follows:
"Be it enacted by the general assembly of the State of Indiana, That an act entitled 'An act concerning intoxicating liquors,' approved March 4, 1925, and all acts amendatory thereof and supplemental thereto, be and the same are hereby repealed."

Section 40 of chapter 80, is entitled "An act concerning alcoholic beverages, and declaring an emergency," and section 40 of said chapter is in the identical language of section 1 of chapter 79.

Chapter 48 of the Acts of 1925, being an act entitled "An act concerning intoxicating liquors," was approved March 4, 1925, and by section 9 thereof, provided a penalty for the operation of motor vehicles while intoxicated.

Chapter 213 was approved on March 14, of 1925, and under the title, as above set out, regulating the use and operation of motor vehicles upon public highways, likewise provided a penalty for persons operating motor vehicles while under the influence of intoxicating liquor or narcotic drugs.

It will be seen, therefore, that the legislature doubtless intended to provide a distinct and separate offense under an entirely different subject matter for the operation of motor vehicles while under the influence of intoxicating liquors or narcotic drugs and that said enactment of chapter 213, in no wise attempted to repeal or supplement the enactment of chapter 48 on the 4th day of March, 1925. No reference whatever is made to chapter 48, by chapter 213. The repealing clause of said chapter 213, does not purport to repeal or supplement any act, except the act of 1913, approved March 15, 1913, relating to the registration, numbering and regulation of motor vehicles.

The repealing clauses of chapter 79 and chapter 80, of the Acts of 1933, does not purport to repeal any act except "An act concerning intoxicating liquors," approved March 4, 1925, and all acts amendatory thereof and supplemental thereto.

By the terms of chapter 90, of the Acts of the Indiana General Assembly for the year 1933, the legislature amended and supplemented sections 20, 25, 35, 48 and 49 of chapter 213, of the Acts of 1925, and contains no repealing clause providing for the repeal of said section 40 of the Acts of 1925.

It is therefore, my opinion, that neither section 1 of chapter 79, of the Acts of 1933, nor section 40 of chapter 80, of the
Acts of 1933, in any manner operated to repeal said section 40 of chapter 213, of the Acts of 1925, and that the same is now in full force and effect and an enforcible provision of the laws of Indiana relating to the operation and regulation of motor vehicles.

ATTORNEY GENERAL, ASSISTANT TO: Whether payment of one license fee by brokerage firm includes offices which it operates in different counties of state.

December 4, 1933.

Mr. Ralph N. Huffman,
Assistant to the Attorney General,
State of Indiana,
Indianapolis, Indiana.

Dear Sir:

I have before me your recent request that an official opinion issue in response to the inquiry:

"In view of sections 9727 and 9728 of Burns Annotated Indiana Statutes, 1926 Revision, I will be obliged if you will advise me if the payment of one license fee by a brokerage firm operating in several counties in the State of Indiana is sufficient license for all of their offices, or if the license fee should be paid in each county?"

The pertinent provisions of section 9727, supra (which is chapter 50, Acts of 1917, page 134, in force May 31, 1917), are contained in the final paragraph of the section which reads as follows:

"To carry on the business of a stock and exchange broker, in buying or selling stock, bank notes, gold, silver, promissory notes and bills of exchange, whether by individuals or corporations, one hundred dollars for one year: Provided, All actions and right of actions now pending under the provisions of the law in force at the time this act took effect."

3 Burns Annotated Indiana Statutes (1926), section 9727.

Section 9728, referred to in the inquiry reads as follows: