I direct your attention to Section 2 of Chapter 124 of the Acts of the General Assembly of 1935, found on page 465 thereof, which reads as follows:

"Whoever, not being husband or wife, parent or child of any person guilty of a felony, knowing him to be such, harbors or conceals such felon, shall, on conviction, be imprisoned in the state prison for any determinate period of not less than one year nor more than ten years."

You will note that this statute provides a determinate sentence of not less than one nor more than ten years where one is found guilty of its violation.

The sentence provided for in the case submitted by you can be construed in only one manner and that is a determinate sentence of three years. It is my opinion that this sentence is determinate.

I am of the opinion that the sentence of the court being determinate is in accordance with the provisions of the section of the statute cited.

HIGHWAY COMMISSION, STATE: Use of highway funds for road study in cooperation with Purdue University.

April 13, 1936.

Hon. James D. Adams,
Chairman, State Highway Commission of Indiana,
State House Annex,
Indianapolis, Indiana.

Dear Sir:

This is in response to your letter of April 9, 1936, submitting a plan for making a study of the problem of improving light traffic highways and requesting an opinion as to the legality of the plan. In an opinion dated March 31, 1936, I held that your Commission was not authorized to turn over to Purdue University approximately $25,000 per annum of highway funds to be used for a joint study between the University and your Commission.

Under the plan now submitted the Commission will conduct the study, but will do so in connection with the engineering
department of the University. Your letter states that the
Highway Commission is to,

"employ experts and helpers to study and develop the
best method of improving and maintaining State and
County highways; to buy the necessary equipment,
materials therefor and laboratory supplies, the cost
thereof to be paid out of the Commission's appropriation
for Miscellaneous Service. Such studies would be
made at the University under the supervision of its
School of Civil Engineering in cooperation with the
State Highway Commission. Such experts and helpers
would be employees of the Highway Commission
and paid directly by it, and the necessary equipment,
supplies and materials would remain the property of
the State."

The state highway laws contain very little about the ex-
penditure of the highway funds for experimental work. How-
ever, the duties of the Commission and its jurisdiction over
the highways of the state, and the permission granted to co-
operate with Purdue University, as provided for in Section 26
of Chapter 18 of the Acts of 1933, appear to require that some
study and experimental work will be done. The legislature
in the appropriations for 1935 and 1936 set aside funds for
miscellaneous services, which include, among other items,
special payments for personal services, laboratory supplies
and equipment. I believe, therefore, that the highway statutes
contain implied authority for the Commission to conduct such
experiments; to carry on such studies and then disseminate
the knowledge thus acquired throughout the state as it deems
necessary in order to properly carry out its primary duties
of highway construction and maintenance. The fact that such
a study is to be carried on by the Commission at Purdue Uni-
versity, and in connection with its engineering department,
instead of at the Commission's office in Indianapolis, does not
appear to me to be inconsistent with the statutes. Section 26,
above referred to, perhaps contemplates that the study may
be conducted at the University.

The plan last submitted eliminates the objectionable fea-
ture of the direct grant to Purdue University, and in my
opinion the expenditure made under the conditions stated in
your letter of April 10th, 1936, is authorized,