energy comes much more nearly being than the communication by means of telephone conversation. In other words, the transportation of electrical energy is after all completely in line with the original purpose of the highway. It is immaterial whether these heat units or light units are transported over the highway in the form of coal or coke or oil or electrical energy. It is in principle the same thing.

It is my opinion upon the authorities that your question should be answered in the negative and it is so answered.

HIGHWAY COMMISSION, STATE: Funds, State Highway—Expenditure of such funds not authorized on other than State highways unless Federal grant is made to State.

April 23, 1936.

Hon. Evan B. Stotsenburg, Commissioner,
Member State Highway Commission of Indiana,
State House Annex,
Indianapolis, Indiana.

Dear Sir:

I am in receipt of your letter of April 15th, 1936, a portion of which is as follows:

"The State Highway Commission has been asked by the Public Works Administration to approve and supervise the construction of certain grade elimination projects on other than State Highways, which work is petitioned for and sponsored by either cities or counties of the State. These projects are not on State Highways and the grant of the necessary funds thereof are not made to the State and expended by it. The supervising of the project will necessitate the employment of engineers, inspectors and experts who are expected to be paid out of the State Highway fund."

You desire to know whether or not the Highway Commission would have authority to expend its funds for the supervision of projects not sponsored by it on other than the highways in the state system.

I understand that while these projects must be programmed
and supervised by the Commission, they are not sponsored by the Commission but are sponsored by a county or municipality of the State.

I further observe that the supervising of the project will necessitate the employment of engineers, inspectors and certain experts who are expected to be paid from State Highway funds. I find that there is authority under Section 10, Chapter 88 of the Acts of 1935 for the Commission to obtain and approve WPA grants where the work is performed on the State Highway system. This Act would also authorize the Commission to sponsor projects of this character on county roads or city streets where the grant is made directly to the State, but I understand from your letter that the grant of the necessary funds in this particular case is not to be made to the State and expended by it as the statute would require in such cases.

I am, therefore, of the opinion that the Highway Commission would not have the right to expend its funds for the supervision of projects not sponsored by it on other than the highways of the State Highway system where the grant of the necessary funds is not made to the State. In other words, I am of the opinion that there is no authority in the Highway Act above referred to or in any other law of our State which would permit the Highway Commission to expend its funds in the supervision of projects sponsored by a municipality or by a county of the State.

HOSPITAL, RICHMOND STATE: Sterilization operations —Liability of State Hospitals in performing.

April 28, 1936.

Richard Schillinger, M. D.,
Medical Superintendent,
Richmond State Hospital,
Richmond, Indiana.

Dear Sir:

This is in response to your inquiry of April 21, 1936, in which you request an opinion as to the liability of physicians