AUDITOR, OFFICE OF: Annual appropriation—Whether appropriation to Northern Indiana Muck Crops Association, Inc., should be construed as applying to fiscal or calendar year.

June 23, 1936.

Hon. Laurence F. Sullivan,
Auditor of State,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter as follows:

"Will you please give us your official opinion as to whether the following Section taken from the Acts of 1935, page 1553, Chapter 324, should be construed as referring to the fiscal year when it says,

"the sum of $10,000.00 is hereby appropriated annually out of any money in the general fund of the state treasury not otherwise appropriated, to the Northern Indiana Muck Crops Association, Inc.'"

In the absence of any specific statement upon the subject, in my opinion, the term "annually" as above set out refers to the fiscal year rather than to the calendar year. The Act referred to, however, contains an emergency provision putting it into effect immediately upon its passage, which would have the effect of making the appropriation available upon the effective date of the Act.

LIBRARY AND HISTORICAL DEPT., INDIANA: Library property—Legality of transfer from city or town board of education to Library Board.

June 27, 1936.

Hazel B. Warren, Chief,
Extension Division,
Indiana State Library,
Indianapolis, Indiana.

Dear Madam:

I have at hand your request for an official opinion on the question of whether or not library property may legally be transferred from the board of education to the library board.
Your inquiry does not detail sufficient facts relating to the specific case you have in mind to enable me to determine whether or not the case falls within the scope of one of the several statutes dealing particularly with cities between certain population limits. Neither does it throw any light on the question of the particular statute under which the library was originally established, nor the history of its control since its establishment. However, authority for the transfer of the “ownership, custody and control” of a library “already established and maintained under the existing laws of this state” to the public library board of any city or incorporated town from “the managing board of such library already so existing and maintained,” is provided for, under certain conditions, by Section 10, Chapter 55, Acts 1901, as amended by Section 5, Chapter 169, Acts of 1903 (Section 41-312, Burns 1933 Indiana Statutes). In my opinion the language of said Act is broad enough to authorize transfers of library property from the board of education of any such city or incorporated town, provided the conditions of the Act are satisfied and the outlined procedure is followed.

CLEMENCY, STATE COMMISSION ON: Parole violators from Indiana penal institutions imprisoned in other states, detainers against; who has authority to release.

June 27, 1936.

Hon. John H. Klinger,
Secretary,
State Commission on Clemency,
Indianapolis, Indiana.

Dear Sir:

I have before me your recent request for an official opinion, reading in part as follows:

“If a prisoner is granted a parole by the Board of Trustees of the institution and while out on this parole, he violates it, is sentenced and committed to an institution in another state and the institution in this state from which he is on parole files a detainer ordering his return to our institution upon his release from the institution in which he is then held, is the matter of