was in harmony with the general plan of the Act to place the entire responsibility for assistance to the blind upon the state. As matters then stood, of course, there was no necessity for a reimbursement section, that is, a section providing for the state to reimburse the county, as was the case as applied to old age assistance. However, in the course of the legislative procedure Section 61 was amended so as to provide that the county should pay the burial expenses in the first instance, evidently, I think, having in mind a reimbursement provision similar to the provision as applied to old age assistance. Such an express provision, however, was omitted and the question is whether by construction I am authorized to determine what was clearly the legislative intention, namely, that the amount of such burial expenses should ultimately be paid by the state. I think that a court would be within its legitimate province to so determine in view of the very clear expression in Section 69 that any claim for reimbursement from the estate of the blind person should be filed by the state department and "for the benefit of the state department." In view of the foregoing, I think, the proper procedure would be for the counties to make such payments in the first instance. They should then file claims with the state department for reimbursement, which claims, if otherwise proper, should be allowed.

SINKING FUND FOR PUBLIC DEPOSITS: Whether state may sell claim against bank in liquidation for less than face value pursuant to power of Governor and Attorney General to compromise claims.

July 1, 1936.

Mr. Ross Teckemeyer,
Secretary, Sinking Fund Division,
Department of Treasury,
Indianapolis, Indiana.

Dear Sir:

I have before me your request for an official opinion as to the right to compromise, in the manner described in your letter, a claim of the State against a public depository bank in process of liquidation. The Governor and Attorney General are expressly authorized to compromise claims in favor of the
State when in their judgment it is in the interest of the State so to do.

Burns Indiana Statutes Annotated (1933), Section 49-1917.

However, the procedure outlined in your letter is not the compromise of a claim but the sale of it for less than its face value. The claim remains in the hands of the purchaser undiminished. The authority of public officers is strictly limited as provided by statute and is not to be extended by construction unless to remove some ambiguity. In my opinion the Governor and Attorney General are without power to sell such a claim in the manner described in your letter.

ACCOUNTS, STATE BOARD OF: Sheriff’s fees in connection with insanity inquests and the keeping in custody of such persons; also fees in connection with transportation of insane persons to or from institutions.

July 2, 1936.

Hon. William P. Cosgrove,
State Examiner,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter requesting an official opinion in answer to certain questions relating to the fees of sheriffs in connection with the care and custody of insane persons. The questions submitted are as follows:

“1. What fee is the sheriff entitled to for attending the hearing before the court?

“2. What per diem is the sheriff entitled to for keeping in custody in the county jail, an insane person committed upon order of the court?

“3. What mileage and expense allowance is the sheriff entitled to for taking an insane patient to the hospital or removing one therefrom?

“4. If the court directs that an assistant, male or female, accompany the sheriff while taking an insane patient to the hospital, or removing one therefrom, what mileage is such assistant, or female attendant, entitled to for such services so rendered under order of the court?”