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?"
the sheriff, the following amount:

[Text continues]

Section 8 of the Fee and Salary Act of 1933 provides that

The same Section 8 of the 1933 act, supra, provides that

actual expenses, to be paid as above stated.

In answer to your second question the sheriff is not entitled

that he is entitled only to his

In answer to your first question, therefore, in

of the county. In answer to your first question, therefore, in

that the sheriff would be en-

that the sheriff is entitled only to his

be included in the case of the reading of prisoners, Section 8 is allowed in the case of the reading of prisoners, unless the same is necessary for the safe-keeping of such persons as are allowed in the case of the reading of prisoners, provided that all expenses incurred in providing for the safe keeping of such persons as are allowed in the case of the reading of prisoners, unless the same is necessary for the safe-keeping of such persons as are allowed in the case of the reading of prisoners, and for providing for the same competency for reading such persons as the above stated.

The same Section 8 of the 1933 act, supra, provides that

actual expenses, to be paid as above stated.

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be included in the case of the reading of prisoners, Section 8 is allowed in the case of the reading of prisoners, unless the same is necessary for the safe-keeping of such persons as are allowed in the case of the reading of prisoners, provided that all expenses incurred in providing for the safe-keeping of such persons as are allowed in the case of the reading of prisoners, unless the same is necessary for the safe-keeping of such persons as are allowed in the case of the reading of prisoners, and for providing for the same competency for reading such persons as the above stated.
“1. If such persons be transported by a common carrier, the actual cost of transportation for the sheriff, for each person in custody and for each attendant allowed by law who may actually accompany such sheriff, together with any other expenses necessarily incurred.

“2. If such persons be transported by a conveyance furnished by the sheriff, the sum of eight cents per mile for each mile necessarily traveled, by each such conveyance, but not more than one mileage shall be charged for any one conveyance, although transporting more than one person.”


In answer to your question number 3, it follows that the mileage allowance if the person is transported by common carrier is the actual cost of transportation for the sheriff and for each person in his custody and for each assistant allowed by law who may actually accompany the sheriff. If the persons are being transported by a conveyance furnished by the sheriff the sum of eight cents per mile for each mile necessarily travelled by each such conveyance is allowed. It will be noted that no provision is made in the paragraph providing for a mileage charge where the persons are being transported by a conveyance furnished by the sheriff, for any other expenses, but obviously other expenses necessarily incurred are contemplated. I do not think it is intended that the mileage allowance is to cover anything other than the cost of transportation and if, under order of court, assistants to the sheriff are required, payment for such assistants is authorized, not upon the basis of mileage but upon the basis of services rendered. I think this is made clear by the language used in paragraph 1, supra, quoted from the Act and also by the provisions of Section 2 which apply to a case where the commissioners furnish the motor vehicle, in which latter case it is expressly provided that “the sheriff shall be entitled to be reimbursed for any other expenses which may lawfully incur other than mileage.”

In further answer to your third and fourth questions, in my opinion, the sheriff is entitled to be reimbursed for his necessary expenses, including the expenses of an assistant where so ordered by the court or where otherwise allowed by
into consideration the question as to expenses which would
shift the director and the board would have the right to take
the fixing of the compensation of other members of the count-

ties, but no such provision is made with respect to other
duties. It is evident, I think, however, that in
members of the staff. It is evident, I think, however, that in
necessary to be performed in the discharge of his
for each mile necessarily traveled in the discharge of his
for shall be entitled to receive in addition to the salary pro-
for the county board. The act provides that the county direc-
der county board, the county director and the members
directly upon the salary or compensation of members of the
The foregoing is the only reference I have found that bears


... ment and to perform all other duties required of the depart-
... and the welfare activities within the county
compensation of such assistants as may be necessary
proposed by the county board; shall appoint and in the
... County board, the county director, with the ap-

Laws:

Section 24 of „The Welfare Act of 1936“ provides as fol-
... are traveled in the discharge of their duties;
... are entitled to receive payment for... are entitled to receive payment for
... assistants and investigators of the county wel-

answer to the following question:
I have before me your request for an official opinion in

Dear Sir:  

Indianapolis, Indiana,
State Examiners,
Hon. William P. Conger,

July 3, 1938.

Welfare department are entitled to mileage.
Welfare, whether assistants and investigators of a county
Department of Public
ACCOUNTS, STATE BOARD OF.

veenance used.

ence expenses of maintaining and operating the con-

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