ing consent on the part of the State to acquisition by the Federal Government of forest land and other related subjects.

See: Ft. Leavenworth v. Lowe, 114 U. S. 581;
Curry v. State, 12 S. W. (2d) 796;
Snyder v. Board of Park Commrs., 184 N. E. 483;
(Ohio);
U. S. v. San Francisco Bridge Co., 83 Fed. 891;

Sufficient legislation to take advantage of the provisions of the Fulmer Act is provided by reason of Chapter 29 of the Acts of the Indiana General Assembly of 1935.

FORT WAYNE STATE SCHOOL: Estate and guardian of inmates of State dependent institutions liable for care under Chap. 132, Acts 1935.

January 13, 1936.

W. F. Dunham, M. D.,
General Superintendent
Fort Wayne State School & Muscatatuck Colony,
Fort Wayne, Indiana.

Dear Sir:

This is in answer to your request of January 3, 1936, which is as follows:

“For several years there has been some question raised with our Board of Trustees as to whether or not maintenance charges against inmates of dependent institutions of the State can be maintained where there is a refusal or failure to pay on the part of the parents or guardians of such inmates.

“What we are interested in knowing is whether or not a suit can be maintained against such parents or guardians for the benefit of such institutions.

“We should like your opinion on this subject, as there have been some lawyers who contend that we cannot legally collect such charges by bringing suit.”

The Act under which the feeble-minded colony was established (Acts 1919, Ch. 94, P. 480; Burns Ind. Stat. 1933, Sec. 22-1808), provides in Section 12:
“Whenever a feeble-minded person shall have an estate, or his parents shall be financially able to pay for his support, a definite amount fixed by the board of trustees shall be paid from such estate or by his parents under the same regulations as now provided for the insane and feeble-minded, in laws of 1917, chapter 72, page 176.”

This statute was discussed in the case of State v. Truxler, 202 Ind. 268, where the validity of the act was sustained. In that suit the state asked a recovery against the parents of a feeble-minded son, who was an inmate of the Indiana Farm Colony for feeble-minded. The right of the State to maintain such an action was upheld, and the court also ruled that the paragraph of the Act of 1917, which provided that the estate of an inmate could not be made liable where the estate was needed for the support of certain relatives, did not apply to suits against parents.

The Act of 1917 referred to, was amended in 1931 and in 1933 and a new Act on the subject passed in 1935. (Acts 1935, Chap. 132, p. 476.) This statute makes the estate of a person, who is being supported in the “Fort Wayne State School”, and other State benevolent institutions, liable to the State for his treatment and care by the State institution at the rate of $5.00 per week. However, under conditions given in the Act, the amount of the charge may be reduced, and, under a certain set of facts, the charge is not collectible.

The fact that the 1917 Statute was later amended would not make its provisions as to procedure inapplicable to the 1919 Statute or relieve a party from an existing liability arising under it. Inasmuch as the various benevolent institutions were established under different statutes these statutes must be considered in bringing any action. Practical problems always arise in claims of this nature because there are few precedents.

It is my opinion that if the provisions of the statute are followed, actions may be maintained against the parents or guardians, and your inquiry on that point is answered in the affirmative.