Close attention has been given to the Bankruptcy Act pertaining to statutes of limitations and their suspension pending proceedings under the Act and nowhere in the Act can be found a specific provision which covers or pertains to Acts other than those enumerated in the Federal Statutes. That is to say that the language of the Federal Act above quoted is not sufficiently broad nor specific to stop or suspend the ninety (90) day period as provided by the Indiana State Legislature hereinabove quoted in Burns Indiana Annotated Statutes; that the Federal Act, a portion of which is last quoted above, has to do with the running of periods of time prescribed and specifically mentioned in the Act itself.

The conclusion is that,

1. The fact that the Columbia Air Lines, Inc., is in the hands of a trustee for liquidation does not suspend the ninety (90) day period within which a claimant must file applications for rebate.

2. That the provisions of the Federal or Bankruptcy Act, a portion of which is above quoted, is not sufficiently broad and specific to in any way limit the conditions and provisions of sub-section (c) of Section 47-1505 Burns Indiana Statutes Annotated, 1933.

Therefore, it is the opinion of this Department that the claims of Fred Hummell, Trustee of Columbia Air Lines, Inc., in the sum of $444.86, should be disallowed in toto.

DEPARTMENT OF PUBLIC INSTRUCTION: Transportation of school children to parochial school—Application of Chapter 54 of Acts of 1933 to Catholic orphanages.

November 6, 1936.

Hon. Grover Van Duyn,
Assistant Superintendent of
Public Instruction,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter in part as follows:

"An orphanage is maintained by a Catholic church in Vincennes Township, Knox County, Indiana. This orphanage has approximately 200 children in which
has been maintained a parochial school from grades 1-8. "The authorities of the orphanage desire to send the 8th grade to a parochial school located within the city limits of Vincennes. The authorities of this orphanage are asking the township trustee to furnish the transportation of these children located in this orphanage into the parochial school in the City of Vincennes."

You submit the following question:

"Is the township trustee obligated under the present statute to furnish such transportation?"

The statute referred to in your question doubtless is Chapter 54 of the Acts of 1933. Section 1 thereof provides in part as follows:

"Where school children who are attending any parochial school in any school corporation of this state reside on or along the highway constituting the regular route of a public school bus or conveyance, the school trustee shall afford transportation, without extra charge, by means of such school bus or conveyance, for the children attending any such parochial school, from their homes, or from some point on the regular route nearest or most easily accessible to their homes, to such parochial school, or to the point on such regular route which is nearest or most easily accessible to such parochial school."


The theory of the above legislation undoubtedly is that if such child were attending a public school it would be entitled to transportation on terms equal to those of any other child resident therein, and, therefore, there should be no difference based solely upon the fact that the child is being transported to or near a parochial school. This would appear to be true as to children having a legal settlement within the transporting school corporation, but as to children which have been sent to the orphanage from other school corporations the analogy is not as clear. In the public school system, while the duty to educate rests with the corporation within which the orphanage is located, by requiring transfers from the
places of legal settlement which may be done with respect to a public school, the school corporation furnishing the education can be reimbursed by the corporation where the legal settlement is. But there is no provision for the issuance of a transfer by the public school officers of one corporation to a child to attend a parochial school in another corporation. For the above reason it seems to me that the intent of the legislature in the above legislation in providing for the furnishing of transportation in certain cases to children attending parochial schools was to provide for such children residing in private homes where the question of transfers and reimbursement would not enter. In other words, the italicized language "their homes" as used above does not include an orphanage, but is limited to private homes wherein the children reside as members of a family in the ordinary sense. "Home" has been defined to be "one's own dwelling place; the house in which one lives; esp., the house in which one lives with his family." (Our italics.) Webster's New International Dictionary, Second Edition.

In my opinion your question should be answered in the negative.

NURSE SERVICE: Charge for same legal when patient able to pay whether living in city or county outside of city limits.

November 6, 1936.

Hon. W. H. Frazier,
Assistant Director,
Indiana State Board of Health,
State House Annex,
Indianapolis, Indiana.

Dear Sir:

Receipt is acknowledged of your request for an official opinion dated October 14, 1936, which reads as follows:

"The Evansville Public Health Nursing Association receives an annual appropriation from Vanderburgh County and the City of Evansville for rendering nursing service to people within those areas. Besides city and county funds the organization receives fees from