

notary public shall have been elected to the house of representatives or to the senate of the General Assembly of the State of Indiana, be and the same are hereby legalized and declared valid.”

It is my opinion that the above statute operated to legalize instruments executed prior to the date of passage of this Act.

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**GOVERNOR'S OFFICE: Power to remit fines and forfeitures.**

June 12, 1937.

Hon. M. Clifford Townsend,  
Governor of State of Indiana,  
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your request for an opinion as to your powers with respect to the remission of fines and costs.

In reply to this inquiry your attention is directed to article 5, section 17 of the Constitution of the State of Indiana, which provides that the Governor

“shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the General Assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted:”

Your attention is further directed to section 9-2501, Burns Indiana Statutes, 1933 revision, which reads as follows:

“All applicants to the Governor for the remission of fines and forfeitures shall forward to him, with their application, the opinion of the propriety of so doing of a majority of the following officers in the county where the fine was assessed or forfeiture incurred, viz: The clerk of the circuit court, auditor, sheriff, county treasurer and such officers as shall, from time to time, have the care and custody of the common school fund within the county.”

It is apparent from the above provisions of the law that the Governor has authority to remit fines and forfeitures upon application, where such application is approved by a majority of the four county officials above named.

Our Supreme Court has held that this power to remit does not include costs which are charged in criminal cases. In the case of *Ryan v. State*, 176 Ind. 281, the Supreme Court uses the following language,

“It is evident that the words ‘fines and forfeitures’ used in the Constitution, and in the statute passed thereunder, do not include cost, and that the governor of this State has no power to remit the costs due to the State or county in a criminal case.”

It is my opinion, therefore, that the Governor has authority, upon receipt of applications properly approved by the majority of the county officials named, to remit fines and forfeitures. This authority, however, does not include the costs assessed against the defendant growing out of the charges under which he was convicted.

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**ACCOUNTS, STATE BOARD OF: “Actual expense” appropriation for township trustee, whether same includes telephone rental; also whether same includes cost of telephone tolls and telegrams.**

June 14, 1937.

Hon. William P. Cosgrove,  
State Examiner,  
State Board of Accounts,  
Indianapolis, Indiana.

Dear Mr. Cosgrove:

I have before me your letter calling attention to section 65-204, Burns Indiana Statutes, Annotated, 1933, and particularly to that part of the section which provides as follows:

“In all townships of the state, the township advisory board shall annually appropriate the amount of the estimate of the township trustee for the actual expense of the trustee incurred while engaged in the discharge of his official duties: Provided, That the amount so appropriated and allowed for expense shall not exceed,