number of assignments, releases of mortgages, leases, etc.?"

The abbreviation "etc." used in your question makes the question broad enough to include any instrument which may be recorded, but it is my understanding that you refer only to such instruments of the above character as to which no specific fee is prescribed by statute for the recording thereof. Thus limited, I think the answer to your question is governed by the following language contained in section 49-1308 of Burns' Indiana Statutes Annotated (1933):

"For entering on entry book, indexing and recording all other instruments, ten cents (10c) per hundred (100) words, but no charge to be less than fifty cents (50c)."

The above language follows the language setting out specifically the correct fee for the recording of certain named instruments not included in your question, from which I conclude that the instruments referred to in your question are properly identified as "all other instruments."

In my opinion, therefore, the correct fees in the cases referred to in your question are as follows:

Recording a single instrument containing several assignments, fifty cents (minimum) plus ten cents per 100 words in excess of 500 words.

Recording releases of mortgages, the same.

Recording leases, the same.

ACCOUNTS, STATE BOARD OF: State Board of Depositories. Where should funds of housing authorities be deposited. Housing Authorities, where should funds of such depositories be deposited.

November 10, 1938.

Mr. Ross Teckemeyer,
Secretary, State Board of Depositories,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter calling attention to chapter 207 of the Acts of 1937, which is an Act entitled:
“An Act creating public bodies corporate and politic to be known as housing authorities, to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquisition of property, borrowing money, issuing bonds and other obligations, and giving security therefor; to confer remedies on obligees of housing authorities; to create a State Housing Board; to define its powers and duties, and making an appropriation therefor, and to declare an emergency.”


Under the above Act provision is made for the creation of a housing authority in the several cities and counties of the state under the circumstances therein set out. These authorities are declared to be public bodies, corporate and politic, and each one established is to be known as the “‘housing authority’ of the city, town or county” within which said authority operates. Such authorities when organized are authorized to receive and disburse funds, and you state that a question has arisen as to whom or what body shall select the depositories for such funds.

You call attention further to Chapter 3 of the Acts of 1937 which is the Public Depository Act of 1937, and inquire as to whether the appropriate board of finance of the municipality in which the housing authority operates shall select the depository. In other words, the question after all is as to whether the Public Depository Act embodied in Chapter 3 of the Acts of 1937 applies to a housing authority created by virtue of Chapter 207 of the Acts of 1937.

Section 1 of Chapter 3 of the Acts of 1937, supra, defines the term “local officer” or the plural thereof, to mean:

“Any person or persons elected or appointed to any office in any municipal corporation in the State of Indiana and includes all boards, commissions, departments, institutions and other bodies established by law to function as a part of the government of any such municipal corporation, but the term shall not include any state officer.”

Section 3 (b) of the same Act provides, in part, that:

“All local officers, except the township trustee, who collect public funds of their respective municipal corporations shall deposit such funds daily in the depository or depositories selected by the several boards of finance which have jurisdiction of such funds.”


Subdivision (e) of Section 1, on the other hand, provides that:

“The term ‘public funds’ means and includes * * * all funds coming into the possession of any local officer by virtue of such office, but shall not mean nor include funds coming into the possession of any public officer which are not impressed with a public interest nor designed for a public use.”

Even though the housing authority of a city, town or county created under Chapter 207 of the Acts of 1937, supra, is accorded the status of a public body, corporate and politic. I think the commissioners acting for such authority, within the meaning of the Public Depository Act, are local officers of the corporation within whose boundaries the authority operates. If that is true, it follows that Chapter 3 of the Acts of 1937 applies to the funds of such an instrumentality or agency of government. There can be no question in my opinion as to the character of the funds received by such authority. They are, undoubtedly, public funds and designed for a public use.

It is my conclusion, therefore, that the Public Depository Act of 1937 applies and that the appropriate board of finance of the municipality in which the housing authority operates has the authority to select the depository for the funds of such housing authority and that the officers of such housing authority are obliged under the terms of the Public Depository Act to deposit their funds in the public depositories selected pursuant to that Act.