legally substitute his own judgment for that of the prosecuting attorney and require the prosecutor to exercise his discretion in a particular manner. Your second question is therefore answered in the negative.

Concerning your third question, it will be noted that the prosecuting attorney has in fact manually approved this affidavit by order of the Judge. The affidavit is therefore legal and valid on its face. However, the fact relative to its approval by the prosecuting attorney could be brought out in a proper legal manner and the validity of the affidavit tested.

HIGHPAY COMMISION, STATE: Right to regulate and pay for current used in traffic lights.

February 8, 1938.

Hon. Earl Crawford,
Chairman, State Highway Commission of Indiana,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your letter of February 5, in which you submit the following question:

"Is it the obligation or responsibility of the State Highway Commission to pay for the current used in operating signals on state highway routes through cities and towns?"

In reply to your inquiry, your attention is directed to a part of section 2, chapter 256, Acts of the General Assembly of 1937, which contains the following sentence:

"Said commission may regulate, control and when necessary, prohibit stop and go warning and caution signals on such streets and on any portion of the roadway of such street not maintained nor constructed by said commission."

This authority, so conferred, may be exercised by the commission over such streets as other portions of the Act operate to confer jurisdiction. The term "regulate and control" are quite broad in scope. They have been judicially defined as follows:
"The words 'to control and to regulate' imply to restrain, to check, to rule and direct."

People v. Schneider, 103 N. W. 172.

It would seem, therefore, that the power to regulate, control and direct the manner and operation of traffic lights in the streets over which the highway commission has jurisdiction, would necessarily imply an obligation to pay for the installation and maintenance of such lights. The other sections of the Act are also persuasive that this was the legislative intent. Section 4, of the Act above mentioned also authorizes the highway commission to install warning signals and/or lights at railroad crossings within incorporated towns and require that the expense of maintaining and operating said signals and lights shall be paid for by the railroad. This section further provides that the maintenance of such signals and lights at crossroads outside the limits of a city or town shall be operated and maintained by the highway commission.

Section 5 of the Act also authorizes the installation of lights to illuminate dangerous curves, intersections and bridges. The cost of installation and maintenance of such lights shall be paid out of the fund appropriated to said commission for the maintenance of highways. This latter provision is not restricted to portions of the highway outside the corporate limits of a city or town.

It is my opinion, therefore, that since the highway commission has been given full and complete authority over traffic lights in those highways over which they have control, that a duty is imposed upon them to pay for the cost of maintenance thereof.

HIGHWAY COMMISSION, STATE: Farm tractors exempt from weight tax.

February 8, 1938.

Hon. Earl Crawford,
Chairman, State Highway Commission of Indiana,
State House,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your letter of February 5, in which you submit the following question: