

ing into the town of Lowell at a much later date, of a subdivision located in West Creek Township. However, I think this question is answered completely by Section 3 of the above statute which provides that after such abandonment has taken place that "all children of school age residing outside of the township in which such school and school property is situated *but within the limits of such incorporated town*, as herein provided, shall possess all the rights and privileges to attend the school or schools located within such incorporated town the same as though they live in the township wherein such school or school property is located." (Our emphasis.) Since the actual annexed territory is now located *within the limits of such incorporated town*, it is in my opinion made a part of the school corporation to which such town has abandoned its schools, by virtue of the provisions of Section 3 of said statute, *supra*.

I am, therefore, of the opinion that the subdivision located in West Creek Township which has been annexed to the town of Lowell is now a part of Cedar Creek Township for all school purposes and for all school tax purposes.

OFFICIAL OPINION NO. 51

June 29, 1953.

Hon. George N. Craig,
Governor of the State of Indiana,
206 State House,
Indianapolis, Indiana.

Dear Governor:

I have your letter of June 9, 1953 in which you request my opinion as to the following questions:

"1. What are the duties of the town trustees in regard to the calling of an election at the expiration of their term?

"2. If the town trustees are unqualifiedly holding office, what are the results of any expenditures of money made by them pursuant to their official duties?"

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The town trustees have no duties in regard to the calling of the election at the expiration of their term. The election laws provide for a town election being held at the same time as a city election, the next of which will be in 1955. A trustee holds office for a four year term and until his successor has been elected and qualified.

Acts of General Assembly of 1905, Chapter 129, as amended, as found in Burns' Indiana Statutes Annotated (1950 Repl.), Section 48-115.

Candidates are not nominated at a primary but are nominated at a town convention which is called by the town committees of the political parties as provided for in the Acts of the General Assembly of 1945, Chapter 208, as found in Burns' Indiana Statutes Annotated (1949 Repl.), Section 29-402. The holding of the election is provided for by the election laws.

The only duties of the town trustees in the elections are to furnish what is necessary for use in the elections such as furniture, ballot boxes, chutes, booths and receptacles for ballots.

Acts of General Assembly 1945, Chapter 208, as found in Burns' Indiana Statutes Annotated (1949 Repl.), Section 29-4401.

In 1949 the General Assembly by the Acts of 1949, Chapter 540, as found in Burns' Indiana Statutes Annotated (1949 Repl.), Section 29-4401a, provided that in the event there has not been an election of town trustees for more than ten years, twenty-five registered voters may petition the town trustees to hold an election. This act provides no machinery for the holding of said special election, but in my opinion it should be construed to mean that the machinery set up by the 1945 election law, *supra*, is to be used. Therefore the only elections which can be held are those elections which are provided by law to be held every four years at the time of the city elections.

It is my understanding that the only question of disqualification you are inquiring about in your second question is the act of serving more than four years. If so, the answer is found in Section 3 of Article XV of the Indiana Constitution which provides:

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“Whenever it is provided in this Constitution, or in any law which may be hereafter passed, that any officer, other than a member of the General Assembly, shall hold his office for any given term, the same shall be construed to mean, that such officer shall hold his office for such term, and until his successor shall have been elected and qualified.”

Therefore, any expenditures of money made by the town trustees in pursuance of their delegated duties, which expenditures are properly authorized, are valid by virtue of the fact that said trustees hold office until their successors have been elected and qualified.

It is therefore my opinion that:

1. The town trustees have no duties whatsoever in regard to calling of an election at the expiration of their term.
2. Since a town trustee holds office by virtue of a constitutional provision until his successor has been elected and qualified, it is my opinion that any expenditure of money made by them pursuant to their official duties are legal and they incur no obligations therefrom.

OFFICIAL OPINION NO. 52

July 7, 1953.

Mr. Ferdinand Jehle, Secretary,
Indiana State Board of Registration for
Professional Engineers and Land Surveyors,
230 State Capitol,
Indianapolis, Indiana.

Dear Mr. Jehle:

Your letter of June 19, 1953 has been received and reads as follows:

“The Board has requested me to get your official opinion as to whether or not a man who has been granted registration through error (made by the