to any office, the election to which is vested in the General Assembly; nor shall he be appointed to any civil office of profit, which shall have been created, or the emoluments of which shall have been increased, during such term; but this latter provision shall not be construed to apply to any office elective by the people."

In a summary of the related court decisions, it is quite apparent that the reasoning of the law would be in violation for the same person to hold two distinct offices such as these enumerated. It certainly must be a logical conclusion that the spirit of the law was intended by the framers of the Constitution in creating these prohibitions for the benefit of the citizens of the State. There is no question but that such holding could never be considered as a good public policy. Therefore, it is my opinion that it is contrary to the Constitution of the State of Indiana, as interpreted by the Supreme Court, for a member of the legislature to serve as a member of the Indiana State Fair Board.

OFFICIAL OPINION NO. 61
July 23, 1951.

Mr. Otto K. Jensen,
State Examiner,
State Board of Accounts,
State House, Room 304,
Indianapolis, Indiana.

Dear Sir:

I have your request for an official opinion which reads as follows:

"Preliminary 1950 census figures indicate the City of Gary, Calumet Township, Lake County, Indiana, will have a population of 132,496 inhabitants.

"If the population is declared to be substantially the same upon an official pronouncement,

"(a) Under what law will justice of said Calumet Township operate thereafter?"
1951 O. A. G.

"(b) What compensation will justices and constables of said township be entitled to receive?

"(c) For whose benefit will fees be taxed, charged and collected?"

Calumet Township has been operating under Chapter 223 of the Acts of 1945, same being Burns 5-108 (b) which governs townships in two classes: (1) townships containing two or more cities of the second class and (2) townships containing cities of the second class having a population of 110 to 115,000. The population of Gary under the 1940 census threw Calumet Township into this second classification. However, the preliminary count as set out in your letter would make this statute no longer applicable.

There are a number of statutes the terms of which would include Calumet Township after the 1950 census is finally declared. However, Chapter 184 of the Acts of 1943, same being Burns 5-108 (a) applies to all townships in counties containing two or more cities of the second class. This seems to be the most narrow and limited classification which includes Calumet Township. Therefore, it is the appropriate statute under which Calumet Township should operate. Section 1 of that statute provides that there shall be only one justice of the peace and constable in each township in all counties coming under the statute. It further provides that the salary of the justice of the peace shall be $200 a month and that the salary of the constable shall be $150 per month. These salaries are to be in lieu of all fees. Therefore, all fees charged will be charged for the benefit of the township.

This statute makes no provision for a docket fee or any other special fee. Therefore, the fees chargeable for the services performed by the justice of the peace and the constable will be those fees provided generally under Section 2 of Chapter 308, Acts of 1915, same being Burns 5-1701 and acts supplemental.

I trust that this answers all of your questions.