3. This question concerns county treasurers who first were elected in 1948 and re-elected in 1950 and now are beginning a second term of two years as of January, 1951. Since their terms of office begin under the original provision of the Constitution they may serve until January 1953. As they shall have served two two-year terms, then under the original provisions of the Constitution, in my opinion, they would be prohibited from serving more than four years in any period of six years. Should they be re-elected in 1956, then under the provisions of the amendment, in my opinion they would be entitled to serve terms of four years.

4. This question deals with county treasurers who were first elected for a term of two years in 1950. Should they be re-elected in 1952, then the answer would be the same as the answer to question number (1).

In my opinion, under such circumstances, the officers would be entitled to serve until January, 1957.

OFFICIAL OPINION NO. 98
November 2, 1951.

Honorable Bernard E. Doyle,
Chairman,
Indiana Alcoholic
Beverage Commission,
201 Illinois Building,
Indianapolis, Indiana.

Dear Sir:

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

"Will you please give me an opinion as to whether or not the holder of a drug store permit located in a town of less than 5,000 population may serve as a member of the town board?"

The statute concerning the issuance of drug store permits is section 6 of chapter 197 of the Acts of 1937, same being Burns 12-518, and reads in part as follows:

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"A liquor dealer's permit may be issued to the proprietor of a drug store holding a permit duly obtained (and remaining in force) from the Indiana board of pharmacy, and said permit may also be issued to the proprietor of a package liquor store as herein defined: Provided, That any applicant for a liquor dealer's permit for a drug store shall not be disqualified under the second and the eleventh of the special disqualifications and the applicant for a liquor dealer's permit for a package store shall not be disqualified under the eleventh of the special disqualifications prescribed in section ten (§ 12-509) of this act. * * *"

The special disqualifications referred to above are contained in section 4 of chapter 197 of the Acts of 1937, same being Burns 12-509. The sixth of those disqualifications reads as follows:

"(6) any mayor or any sheriff, chief of police, police officer, or any officer of any municipal corporation or governmental subdivision or of the state of Indiana charged with any duty or function in the enforcement of this act, or any officer or employee of any person, firm or corporation engaged in the alcoholic traffic, which person, firm or corporation is a nonresident of the state of Indiana or is engaged in carrying on any phase of the manufacture of, traffic in, or transportation of alcoholic beverages without a permit under this act, where a permit is required under the terms of this act, or any person who leases (except as in this act elsewhere provided) from a person, firm or corporation, or is indebted to a person, firm or corporation holding a permit hereunder to manufacture or sell at wholesale alcoholic malt beverages, or to any officer or agent thereof, for any debt secured by lien, mortgage, or otherwise upon the premises covered by such retailer's permit, or upon any of the property or fixtures therein, or used or to be used in connection therewith."

Inasmuch as the section dealing with the granting of drug store permits specifically provides that the second and the eleventh disqualification shall not apply, the intent of the
legislature that all other special disqualifications shall apply is clear under the doctrine of *expressio unius est exclusio alterius*. Thus, the question becomes, Does a member of a town board in a town of less than 5,000 have any duty or is he charged with any function of the enforcement of the Alcoholic Beverage Act.

The only provision of any statute which gives the trustees of a town board any authority in regard to alcoholic beverages, is Section 18 of Chapter 226 of the Acts of 1935, same being Burns 12-517 which provides as follows:

"* * * No city or town or board of trustees or common council or other officer thereof shall have any power or jurisdiction to regulate or govern the sale of, traffic in, or transportation of alcoholic beverages, or to levy or impose any tax, fee, license fee or issue or to require any license to be issued by any such town or city or by the officer or agent thereof in respect thereto, excepting only that in towns and cities having a population of less than five thousand (5,000), according to the last decennial census of the United States of America, the board of trustees of such towns or common council of such cities shall have power and jurisdiction to enact an ordinance consenting that liquor retailer's permits may be issued to applicants otherwise duly qualified under this act in respect to premises located within said town or city."

It is readily apparent from a reading of this Section that the only authority of the town board relates to the provisions for alcoholic beverages to be sold within the corporation and in no way deals with the enforcement of the Indiana Alcoholic Beverage Act.

Therefore, it would not be improper for one to serve as a member of a town board and to hold a drug store permit.