labels. It appears the Ellis Chemical Company has sold its manufacturing plant to the Indiana Farm Bureau and these old tags cannot be used, as the new fertilizer analysis will be higher than that represented by the stock of tags on hand.

Under the reasoning and authority as contained in official opinions of the Attorney General of Indiana dated May 7, 1943, page 277; Official Opinion No. 76 dated August 4, 1949, page 288; and Official Opinion No. 11, dated February 9, 1951, issued to you, it is my opinion that such exchange of labels may lawfully be made in accordance with the rules and regulations of the State Chemist and at no expense to the State of Indiana.

OFFICIAL OPINION NO. 23

March 19, 1951.

Honorable Roscoe Hollingsworth,
State Senator,
1024 N. East St.,
Lebanon, Indiana.

Dear Senator:

This is in reply to your letter of recent date in which you request my opinion on the following question:

“What is the present law governing the maximum salaries of deputy county surveyors?”

Section 1 of Chapter 263 of the Acts of 1937, same being Burns’ 49-3330, provided for the appointment of deputy surveyors and provided that their salary should be not more than $200 per month.

The basic statute as to salaries of county officers was first enacted by the legislature in 1933 and thereafter amended in 1935 and again in 1943. This statute listed the officers to which it applied and did not include the county surveyor.

However, in 1945 the legislature passed two acts seeking to amend this statute. These acts are Chapters 92 and 172 of the Acts of 1945. Both of them sought to amend the same section of the same statute. Chapter 172 contained an emergency clause and became effective on March 6, 1945. Chapter
92 contained no emergency clause, so that the section it sought to amend was not in existence when it became effective on the promulgation of the acts. Since Chapter 92 attempted to amend a section not in existence, it was ineffective.

Chapter 172, same being Burns' 49-1002, specifically included county surveyors and provided that the deputy surveyor should receive a salary of not less than $100 per month nor more than $175 per month in counties having a population of not less than 15,000 nor more than 25,000. Inasmuch as this 1945 amendment completely covers the field of salaries for deputy surveyors, it repeals so much of Chap. 263 of the Acts of 1937 as applies to the salaries of deputy surveyors.

I am therefore of the opinion that in counties having a population of not less than 15,000 nor more than 25,000 the salary of a deputy county surveyor is fixed by Chap. 172 of the Acts of 1945.

OFFICIAL OPINION NO. 24

Mr. D. H. Connor, O.D.,
Secretary, Indiana State Board
of Registration and Examination
in Optometry;
206 Merchants Bank Building,
Terre Haute, Indiana.

Dear Sir:

Your letter of 12 March 1951 has been received, in which you request an official opinion as to the effect of House Bill 119 of the Indiana General Assembly of 1951, upon present applications for annual renewal of license to practice optometry.

Section 2 of said Act creates a program for the training of optometrists at Indiana University. Section 3 of said Act, in part, provides as follows:

"In addition to the annual renewal registration fee provided for by an act entitled ** each registered optometrist at the time of payment of the annual