lots in the sections named, and nothing more. They
were not authorized to be recorded. They were out-
lots laid out as a convenient mode of platting parts of
the sections, but without any purpose of laying the
land out as a town, or an addition to one. They could
not be described as an addition to any town. None is
named. They are simply out-lots in sections eleven
and fourteen. * * *"

Brown et al. v. Budd (1850), 2 Ind. 442 is to
the same effect.

Even though the maps, plats or surveys described in your
letter were entitled by law to be recorded, I find no statutory
measurement or formula by which to determine the lawful
fee to be collected by the County Recorder.

Therefore, in my opinion, none of the four cases or in-
stances cited in your letter come within the instruments or
plats authorized by general statute to be recorded by a County
 Recorder. Except Section 1, Chapter 265, Acts of 1945,
Burns’ Statutes, Section 32-304, Supplement, provides for the
recording of plats of land surveyed for forestry purposes and
the applications therefor, but the Legislature did not provide
any fee for such recording. Such being true, there is no
legal fee to be charged and collected by the County Recorder
in the cases referred to.

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OFFICIAL OPINION NO. 79

Mr. Deane E. Walker,
State Superintendent of
Public Instruction,
Room 227, State House,
Indianapolis, Indiana.

Dear Sir:

Your letter of August 17, 1949, received requesting an
official opinion on the following question:
"Under Article II, Section 9, of the Indiana Constitution, can the assistant postmaster of any city legally serve as a member of the city board of school trustees?"

Article II, Section 9 of the Constitution of Indiana reads in part as follows:

"No person holding a lucrative office or appointment under the United States or under this State, shall be eligible to a seat in the General Assembly; nor shall any person hold more than one lucrative office at the same time, except as in this Constitution expressly permitted: Provided, that offices in the militia to which there is attached no annual salary, and the office of Deputy Postmaster where the compensation does not exceed ninety dollars per annum, shall not be deemed lucrative: * * *"

It has been held that Deputy Postmasters as used in the above statute means the postmaster in charge of the Post Office.

Bishop v. State, ex rel. Griner (1898), 149 Ind. 223.

In the case of Wells v. State, ex rel. Peden (1911), 175 Ind. 380 it is held that school trustees are lucrative officers within the meaning of the foregoing constitutional provision.

The last cited case on pages 384 and 385 of the opinion holds that deputy officials take on the same character as far as having lucrative officers as their principals for the reason they perform the same duties and functions. In this connection a check with the postal authorities reveal that an assistant postmaster acts for and in the place of the postmaster during his absence and in some cases when he is present.

For the foregoing reasons and under the above authorities I am of the opinion an assistant postmaster may not at the same time serve as a member of the city board of school trustees, if his compensation as assistant postmaster exceeds ninety dollars per annum as provided by Article II, Section 9, Supra, of the Indiana Constitution.