It is my opinion that the only portion of this general Clerk's Fee Act which is affected by Chapter 157 of the Acts of 1945 is that portion of the Fee Act which applies to an additional service fee for "each additional year or part of year." In other words, in each case under Chapter 157 of the Acts of 1945 wherein it is necessary under the Act for the trustee either on his own motion, by order of the court, or upon the petition of any of the beneficiaries to file a report upon which a notice is given, a return date fixed, and the court has a hearing thereon and enters a judgment, then and only then, in such cases where the court has a hearing and renders a judgment is the clerk entitled to the fee set forth under Section 1 of Chapter 131 of the Acts of 1927.

In no event in any trust which is included under the provisions and terms of Chapter 157 of the Acts of 1945 is the clerk entitled to charge any fee except in those years when such a judgment is rendered, as is hereinabove set forth and described and designated under Section 10 of Chapter 157 of the Acts of 1945. The clerk is not entitled to any service fee in the intervening years between the judgments referred to under Section 10 of Chapter 157 of the Acts of 1945.

In reply to 1 (b) of your letter, it is my opinion that Chapter 157 of the Acts of 1945 has no effect whatsoever upon the clerk's fees chargeable in the administration of estates, guardianships, receiverships, assignments or surviving partnerships. The title of Chapter 157 restricts it to trusts "under wills, deeds and agreements." The charging of service fees by the clerk is only modified to the extent as hereinbefore set out in reply to your question 1 (a).

OFFICIAL OPINION NO. 37

April 8, 1946.

Hon. Mount Willis, Secretary,
Indiana State Board of Barber Examiners,
141 South Meridian Street,
Indianapolis 4, Indiana.

Dear Sir:

Your letter of April 4, 1946, received requesting an official opinion as to whether or not the State Barber Board may
require a student entering a barber school to pass a medical examination.

Section 7 of the Barber License Law is Section 7, Chapter 48, Acts 1933, same being Section 63-307 Burns' 1943 Replacement, and reads as follows:

"Any person who desires to practice barbering, or to practice as an apprentice barber, or practice hair cutting in beauty shops or hairdressing establishments, shall file with the secretary of the board of barber examiners a written application, under oath, on a form prescribed by the board, together with two 5 in. x 3 in. signed photographs of the applicant, and satisfactory proof that applicant is of good moral character, and also furnish the board with a certificate from an Indiana licensed physician that shall have been selected from a list of physicians of the county of the applicant, furnished by the board of examiners, showing that applicant is free from any contagious, infectious or communicable disease, which shall include tubercular and Wasserman tests, which certificate shall not be dated more than ten (10) days prior to date of examination and registration."

I am of the opinion that since the foregoing section of the statute does not specify students in barber schools as being required to furnish a medical certificate that no such examination is required of a student before entering a barber school by said section of the statute.

However, your attention is directed to other sections of said law. Section 63-323 Burns' 1943 Replacement, same being Section 23, Chapter 48 of the Acts of 1933, provides as follows:

"The board shall have authority to make reasonable rules and regulations for the administration of the provisions of this act. It shall prescribe sanitary requirements for barber shops and barber schools. Any member of the board, or its agents or assistants, shall have authority to enter upon and to inspect any barber shop or barber school at any time during business hours. A copy of the rules and regulations and sani-
tary requirements adopted by the board shall be fur-
nished by the board to the owner or manager of each
barber shop and barber school, and such copy shall be
posted in a conspicuous place in such barber shop or
barber school.”

Section 24 of said Act, same being Section 63-324 Burns’
1943 Replacement, provides in part as follows:

“(a) For any barber or apprentice knowingly to
continue the practice of barbering, or for any student
knowingly to continue as a student in any school or
college of barbering, while such person has an infec-
tious, contagious or communicable disease.

* * *

“The state board of barber examiners shall have
power to make other rules and regulations and pre-
scribe other sanitary requirements in addition to the
foregoing in aid or furtherance of the provisions of
this act.” (Our emphasis.)

When the entire Act is considered it is clear its purpose is
in the interest of health through sanitary regulations. Under
the foregoing sections of the statute I am of the opinion the
Indiana State Board of Barber Examiners has authority to
make a rule requiring students entering barber schools to
furnish medical certificates showing they are free from infec-
tious, contagious or communicable disease. This is due to
the fact that while such students are taking practical training
in such schools they in fact practice on patrons who may go
to such schools for such services.

Your attention is directed to Rule 14 of the Indiana State
Board of Barber Examiners duly adopted by said Board on
December 17, 1945, pursuant to the provisions of Chapter
120 of the Acts of 1945, which rule reads as follows:

“(14) The school must have on file with the barber
board the enrollment of each student within five days
after the date of his registration, filing on a blank
furnished by the Board, giving name in full, and date
of entry, with medical finding attached.” (Our em-
phasis.)
From the foregoing I am of the opinion said rule is valid and enforceable and that the Indiana State Board of Barber Examiners may require students entering a barber school to pass a medical examination and furnish evidence to the board of such medical findings as required by Rule 14, _supra_.

OFFICIAL OPINION NO. 38

April 11, 1946.

Mr. Edwin Steers, Sr.,
Member of State Election Board,
State House,
Indianapolis, Indiana.

Dear Sir:

I have your letter of April 8, 1946, requesting an official opinion upon the following question:

"The Board of Registration of Marion County has employed clerical help and their compensation pursuant to Section 50 of the new Indiana Election Code has been fixed for $150.00 per month. It has been necessary for certain of these employees by reason of the pressure of work and the schedule to be met in order to get out the registration lists to work as many as from 14 to 16 hours per day.

"The members of the Board of Registration would like to know whether or not the clerical help who have put in such extra time are entitled to any extra compensation over and above their salary of $150.00 per month for such extra work."

Section 50 of Article 7 of the Indiana Election Code (Sec. 50, Chapter 208 of Acts of 1945, Vol. I) provides in part as follows:

"In all counties having a population of eighty thousand or more as shown by the last preceding United States census the boards of registration shall also have the authority to employ all necessary clerical help,