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,
whose salaries shall be fixed by the boards of county commissioners at not less than seventy-five dollars ($75.00) nor more than one hundred fifty dollars ($150.00) per month, for clerical help. * * *

(Our emphasis.)

The foregoing section clearly states that the minimum pay of employees of Boards of Registration in the counties mentioned, including Marion County, shall be $75.00 a month and that the maximum pay shall be $150.00 a month. By the foregoing section the Legislature has expressly prohibited the payment of more than $150.00 per month to any employee of said election boards.

It has been decided many times by our courts that the departments of state and local government and the subdivisions thereof, and its boards or administrative officers possess only such powers, express or implied, as are provided for by statute.

Department of Insurance et al. v. Church Members Relief Association (1940), 217 Ind. 58, 60;
State ex rel. VanHoy, Treasurer, etc. v. Able, City Treasurer (1931), 203 Ind. 44, 50;
State of Indiana ex rel. Bingham v. The Home Brewing Company (1914), 182 Ind. 75, 91.

It has also been decided that a public officer or employee assumes his office or employment cum onere and that before he is entitled to any additional compensation for the performance of his duties he must be able to point to some provision of law authorizing it.

City of East Chicago, Indiana v. Seuberli (1940), 108 Ind. App. 581, 588-589;
Applegate, County Auditor v. State ex rel. Pettijohn (1933), 205 Ind. 122, 123-124;
37 American Jurisprudence, Section 255, page 879;
43 American Jurisprudence, Section 383, page 164.
In at least two cases the Indiana Supreme Court has held that a person entitled to a per diem by law is not entitled to additional compensation for night work, since a per diem has reference to a day of twenty-four hours or a portion thereof.

Monroe, Auditor v. State ex rel. Willard (1901), 157 Ind. 45, 48;
Board of Commissioners of Randolph County v. Board of Commissioners of Henry County (1901), 27 Ind. App. 378, 406.

Likewise, the Legislature has stated that in construing a statute the term "month" is to be construed as a calendar month unless otherwise expressed. (Burns' 1933, Sec. 1-201.) Under this statute the term "month" as used in Section 50 of the Indiana Election Code, above set forth, is to be construed as a calendar month, and the obvious intention of the Legislature was that no employee of a county registration board in the counties mentioned in said Section 50 was to be paid more than $150.00 for a calendar month.

Based upon the foregoing reasons and authorities it is my opinion that the clerical help of the Board of Registration of Marion County who have worked overtime are not entitled to any extra compensation over and above their salary of $150.00 per month.

OFFICIAL OPINION NO. 39

April 12, 1946.

Hon. Clarence E. Ruston,
State Examiner,
State Board of Accounts,
State House,
Indianapolis, Indiana.

Dear Sir:

I am in receipt of your letter of April 2nd, 1946, asking my official opinion in regard to the following questions:

"1. Where a judge of the circuit court is eligible to and receives the salary of $4,800.00 per year, estab-