

mayor's court in the trial of all motor vehicle violations. It is a court without authority to impanel a jury, but a provision is made that when one is requested the defendant shall be held to appear in a court where he may have a jury. Therefore, it clearly appears that this is a court of special limited jurisdiction."

Where an office is created by statute, public officers may exercise only such powers as are expressly authorized by statute.

State *ex rel.* v. Goldthait (1909), 172 Ind. 210, 216, 217;

State *ex rel.* v. Home Brewing Co. (1914), 182 Ind. 75, 91, 92;

The State v. The Portsmouth Savings Bank (1886), 106 Ind. 435, 451;

Dept. of Insurance v. Church Members Relief Assn. (1940), 217 Ind. 58, 60.

From the foregoing authorities it is my opinion magistrates' courts created under Section 4-3801 Burns' 1943 Supplement, *supra*, are not entitled to free copies of the Indiana Supreme and Indiana Appellate Court Reports, for the reason such courts are not among those named in the statute prescribing such distribution, and that therefore the Reporter of the Indiana Supreme and Appellate Courts, having received no delegation of authority from the Legislature to so distribute said reports free to such magistrates' court, such Reporter has no authority to do so.

OFFICIAL OPINION NO. 77

July 30, 1945.

Miss Geraldine Foster, Secretary,
Indiana State Board of Registration for Architects,
State House,
Indianapolis 4, Indiana.

Dear Miss Foster:

Your letter of July 13, 1945, received requesting an official opinion on the following question:

"It is recommended that 'state boards receive applications for registration through the Council from architects who hold the National Council Certificate without requiring the filling in completely of a State application form. Only note in the body of the application "see Council Record for full information," then date, sign and acknowledge the State application.'

"Will you please advise this Board whether or not such procedure would be in keeping with the Indiana Architectural Act?"

Section 63-106 Burns' 1943 Replacement, being Section 6, Chapter 62, Acts 1929, provides as follows:

"Any person desiring to engage or continue in the practice of architecture, in this state, shall apply to the board for a certificate of registration authorizing such person so to do, and shall submit evidence to the board that he is qualified to engage or continue in the practice of architecture, in compliance with the requirements of this act. *The application for a certificate of registration shall be made on a form which shall be prescribed and furnished by the board, shall be verified and shall be accompanied by the prescribed fee.*" (Our emphasis.)

Section 63-107 Burns' 1943 Replacement, being Section 7, Chapter 62, Acts 1929, provides for the qualifications of applicants for examination and reads as follows:

"Any person who is twenty-one (21) years of age and of good moral character shall be qualified for an examination for a certificate of registration as a registered architect, provided he shall have graduated from a high school or a secondary school, approved by the board, and a school of architecture recognized by the board, or has completed an equivalent course of study, as determined by an examination conducted by the board, and has subsequently thereto completed such courses in mathematics, history, and language, as may be prescribed by the board, and has had at least one (1) year's experience in the office or offices of a reputable architect or architects."

Section 63-108, Burns' 1943 Replacement, same being Section 8, Chapter 62, Acts 1929, sets forth the requirements on an application for a license based on reciprocity, and is as follows:

"Upon payment of the required fee, an applicant who is an architect, registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province, may, without examination, be granted a certificate of registration as a registered architect by the board, in its discretion, upon the following conditions:

(a) That the applicant is at least twenty-one (21) years of age, of good moral character and of temperate habits; and

(b) That the requirements for the registration of licensing architects in the particular state, territory, country or province were, at the date of the license, substantially equal to the requirements then in force in this state."

Where an office is created by statute, public officers may exercise only such powers as are expressly authorized by statute.

State *ex rel.* v. Goldthait (1909), 172 Ind. 210, 216, 217;

State *ex rel.* v. Home Brewing Co. (1914), 182 Ind. 75, 91, 92;

The State v. The Portsmouth Savings Bank (1886), 106 Ind. 435, 451;

Dept. of Insurance v. Church Members Relief Assn. (1940), 217 Ind. 58, 60.

An exception to the above general rule is recognized where certain incidental powers are implied for the purpose of carrying out the express powers given a public officer.

43 Am. Jur., Public Officers Sec. 25;

State *ex rel.* v. Goldthait (1909), 172 Ind. 210, 216, 217.

An examination of the foregoing statutes shows that an applicant to practice as an architect in this State must possess

the qualifications prescribed by the last two (2) cited statutes. Section 63-106 Burns' 1943 Replacement, *supra*, requires that the application be made upon a form prescribed by the board. It may safely be assumed that the Legislature intended the application form to give the pertinent information required by the statute showing such applicant is qualified to take an examination for the purpose of securing a license to practice as an architect.

Under the foregoing authorities, I am of the opinion the board does not have the power or authority to waive the requirement that the application be made upon a form prescribed by the board, which would include the filling out of the form prescribed by the board. I am therefore of the opinion an applicant for a license to practice as an architect in this State must fill out the form prescribed by the board and that the requirements of the statute are not met by just making a general reference to the applicant's qualifications as contained in some record of some non-State agency.

OFFICIAL OPINION NO. 80.

August 2, 1945.

Hon. William C. Stalnaker, Director
Department of Veterans Affairs,
Room 212, State House,
Indianapolis 4, Indiana.

Dear Sir:

I have your letter of recent date in which you ask an official opinion upon the following question:

"Section 1 of Chapter 175 of the Acts of 1927 provide a tax exemption for a disabled veteran; Section 1 of Chapter 95 of the Acts of 1941 also provide an exemption for a discharged veteran with a service connected disability. Both of the above acts have been held by the Attorney General's official opinion of 1941, page 73, to the effect that if a veteran is drawing more than 10 per cent he is entitled to both exemptions, that is: \$2,000.00.