inspection could not, in my opinion, be sustained except upon
the basis that the grant of such right of inspection would be
detrimental to the public interest. By this, I do not mean
some slight inconvenience as such inspection would necessarily
entail. Inconvenience ordinarily would not be sufficient unless
it was such as materially burdened the public service.

With that in mind, I do not think the Commission would
have the right to make and enforce an absolute rule denying
the right of inspection of such documents to everyone irre-
spensive of interest shown. But the Commission would undoubt-
dedly have the right to fix the hours and days when such
inspection could be made and to so limit the time to be con-
sumed as to conserve the time of the Commission in the exer-
cise of its public functions.

Your questions are answered accordingly.

PRINTING BOARD, STATE: Not entitled to additional com-
pen sation for services rendered as Clerk of State Board of
Election Commissioners.

May 3, 1940.

Mr. Parke Beadle,

Clerk of the State Board of Election Commissioners
and Director of the Bureau of Public Printing,
Indianapolis, Indiana.

Dear Mr. Beadle:

I have your request of April 30, 1940, for an official opinion
upon the following question as stated in your letter:

"Is it the duty of the Auditor of State to draw a
warrant payable to the Clerk of the State Board of
Election Commissioners after the Board has voted
unanimously to compensate the Clerk for personal
services rendered?

"A similar question was previously submitted to the
Attorney General and opinion given, (James M. Og-
den, page 937; Opinions 1929-1930) and since that
time not only previous Clerks, but myself, have been
remunerated."
The opinion of former Attorney General James M. Ogden to which you refer in your letter, was based largely upon Section 4 of Chapter 205 of the Acts of 1921 and the amendment to this same section by Section 1 of Chapter 44 of the Acts of 1929. By referring to Attorney General Ogden's opinion, you will recall that the original 1921 law provided that the Clerk of the Board of Public Printing should receive a salary of $2700.00 per year and should also serve and be ex officio the Clerk of the State Board of Election Commissioners "without additional compensation * * *". The only effect of the 1929 amendment of this section of the 1921 law was to delete the phrase "without additional compensation * * *", at the end of the next to the last sentence of the section. After making some general comments with regard to the compensation of public officers, with which comments I agree perfectly, Mr. Ogden reached the conclusion that in the special circumstances of the case, the Legislature by amending the 1921 law in 1929, evinced an intention to make a change and, consequently, it was a fair assumption that the legislative intention was to authorize compensation to the Clerk of the Printing Board as ex officio Clerk of the State Board of Election Commissioners. It is not necessary now to either concur in or to disapprove of Mr. Ogden's opinion as I am now confronted with an entirely different state of facts.

The State Board of Election Commissioners was established by Section 16, Chapter 87 of the Acts of 1889. This law is still operative and it is only necessary to point out that the law itself does not provide for the appointment of a clerk of the board. However, as I have indicated above, as early as 1921, the law setting up a State Board of Printing, contained a provision making the Clerk of the Printing Board ex officio the Clerk of the State Board of Election Commissioners. In 1939 the Legislature, by Section 16, Chapter 109 of the Acts of 1939, repealed all laws and parts of laws in conflict therewith. Chapter 109 of the 1939 Acts concerned public printing and established the new Bureau of Public Printing. It must be assumed in consideration of Section 16 of this Act that Sections 1 to 17 of Chapter 205 of the Acts of 1921, as amended, have been repealed. Therefore, the only law now governing public printing and the Bureau of Public Printing in Indiana, is the 1939 enactment. Section 1 of Chapter 109 of the Acts of 1939, among other things, provides as follows:
"Said director of printing purchases shall be secretary of said board of public printing, and shall also act as *ex officio* clerk of the state board of election commissioners. The director of printing purchases shall receive an annual salary of thirty-six hundred dollars ($3600.00). * * *

In Mr. Ogden's opinion issued November 7, 1929, he made the following statement (page 938 Opinions of the Attorney General, 1929-1930):

"As a general rule a public officer is not entitled to compensation for duties performed by him *ex officio* except where the statute so provides, and the language 'without additional compensation' in the original statute, is after all mere surplusage."

I concur in this statement and believe it to be a correct expression of the law. The rule is too well established to require citation of authorities, that public officers have no claim for official services rendered, except where, and to the extent that, compensation is provided by law. As a corollary to this general proposition, is the rule that public officers take their offices *cum onere* and services required of them by law for which they are not specifically paid, must be considered compensated by the fees allowed for other services.

Wright v. Hancock County Commissioners, 98 Ind. 88;
Board of Commissioners of Miami County v. Blake, 21 Ind. 32;
Board of Commissioners of Huntington County v. Buchanan, 21 Ind. App. 178.

It is also well established that where an act abolishing one office and creating a new one is otherwise valid, courts will not interfere with the legislative determination of the number of new duties necessary to constitute the new office.

State v. Hyde, 129 Ind. 296, 13 L. R. A. 79.

This is essentially what has occurred in the present instance, that is, the Legislature has abolished the old Board
of Public Printing as established in 1921 and has created in its stead a Bureau of Public Printing under the Acts of 1939.

Since Section 1, Chapter 109 of the Acts of 1939, creating the new Bureau of Public Printing, is not governed in any way by any prior statute and since the act provides for a specified annual salary for the director of printing purchases who is to act as the secretary of said Board of Public Printing, and since such officer is also to act ex officio as Clerk of the State Board of Election Commissioners, I am of the opinion that said officer, the Clerk of the Bureau of Public Printing, cannot receive compensation for his services as Clerk ex officio of the State Board of Election Commissioners. I am forced to this conclusion for the reason that in the absence of any legislative direction for the payment of further compensation in the Printing Law or in the Election Law, and in the absence of any other controlling law, there is simply no provision made and, consequently, no authority for the payment of extra compensation and said officer must, therefore, be placed in the general category of public officers who receive only the statutory compensation for their duties even though they may combine in such duties one or more offices not incompatible with each other.

CONSERVATION, DEPARTMENT OF: Where several violations are alleged in separate counts of single affidavit, offender is liable for $5 penalty on each count.

May 6, 1940.

Mr. Kenneth M. Kunkel, Director,
Division of Fish and Game,
Conservation Department,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of April 30, 1940, wherein you request an official opinion upon the following question:

"Where a defendant is charged with violation of the fish and game laws on several counts in the same affidavit, shall a fee be taxed for each count in the affidavit, or shall only one fee be taxed in the affidavit"