

from making land surveys." (Section 16, chapter 169, Acts 1921.)

In conclusion, it is my opinion that the second application should not be accepted without the payment of an additional fee of twenty-five dollars.

BOYS' SCHOOL: Whether requests and reports of state employees removed from payroll by governor should be recognized.

June 24, 1933.

Hon. E. M. Dill, Superintendent,
Indiana Boys' School,
Plainfield, Indiana.

Dear Sir:

I have before me your letter of June 19th, in regard to three teachers in your institution, namely, Mr. Babb, Mr. Julius and Mr. Cassidy.

Your specific question is as follows:

"They have been removed from the payroll by order of Governor McNutt and I have taken the attitude that any papers, requests or reports on boys signed by them should not be recognized. I have asked the new teachers, who have been reporting each morning for duty, to either sign these papers or make out duplicates. Is this the right attitude to take?"

It is my opinion, that these men are state employees and as such, were subject to dismissal by the governor under sections 5 and 6 of chapter 4 of the Acts of 1933, approved February 3, 1933, and designated as the "State Executive-Administrative Act." The part of section 5 applicable is as follows:

"Sec. 5. That the tenure of office of each and every officer, employee or servant of the executive, including the administrative department of the State of Indiana, of whatsoever nature and kind of appointment, designation or employment now prevailing, save and except only those officers specifically defined in section 3 hereof as being provided for in the constitution, and save and except the attorney-general for the State of Indiana for the remainder of his elected term, be and the same is hereby terminated at the pleasure and discretion of

the governor, and in all events not later than the thirtieth day of June, 1933; * * *.”

And the part of section 6 applicable is as follows:

“* * * the tenure of office, employment or service of each and every officer, employee or servant of the executive, including the administrative department, shall continue at the pleasure and discretion of the governor, * * *.”

While these men, as teachers, must be regularly licensed teachers, the statute on that point being section 12,555, Burns Revised Statutes of 1926, is as follows:

“The teachers employed in the literary school department of the Indiana Boys’ School shall be regularly licensed teachers, and all of the laws of this state now in force or hereafter enacted relating to the qualifications and licensing of teachers in the public schools of this state shall be construed to apply in all respects to teachers employed in the literary school department of the Indiana Boys’ School.”

You will note that the statement is made that all of the laws of this state now in force or hereafter enacted relating to the qualifications and licensing of teachers in public schools of this state shall be construed to apply in all respects to teachers employed in the literary school department of the Indiana Boys’ School. This specifically states that the qualifications and licensing shall apply, but does not state that all other laws pertaining to public school teachers shall apply. Inasmuch as the legislature mentioned specifically qualifications and licensing, and did not mention anything else, under the rule of construction, all other laws except those would not apply. Furthermore, the report which you enclosed and which I am returning herewith, indicates that no contract has been in force and that the teachers serve only during good behavior.

The other instrument attached, dated August 25, 1927, could not be construed as a contract, inasmuch as it only is a letter to the individual designating his salary in the next biennial period after the letter was written. I am also returning that document to you.

Therefore, in answer to your direct question, you have taken the correct attitude on the matter inquired about.