In addition to this, it is doubtful whether the language of subdivision "c" of section 3 of chapter 70, Acts of 1932, would cover salaries or compensation specifically fixed by such special session or any subsequent session.

It is, therefore, my opinion that chapter 25 of the Acts of 1932, is in full force and that special judges serving as such after October 1, 1932, are entitled to receive the full ten dollars ($10.00) per day without deduction under the provisions of chapter 70.

PUBLIC INSTRUCTION: Whether mayor appoints school boards in cities of fourth class.

Hon. Grover Van Duyn,
Assistant State Superintendent,
Department of Public Instruction,
Indianapolis, Indiana.

May 24, 1933.

Dear Sir:

I have before me your letter calling attention to chapter 233 of the Acts of 1933, and submitting the following question with reference thereto.

"In view of the fact that, according to section 7, the mayor appoints certain boards, is the mayor authorized to appoint school boards according to this act?"

The above act is entitled, "An act concerning the classification and government of civil cities, reducing civil cities to civil towns and providing for the government of such towns, fixing and providing for the salaries of officers and employees, repealing all laws and parts of laws in conflict therewith, providing for the date of taking effect of certain provisions and declaring an emergency."

The above subject is clearly the classification and government of civil cities, and in my opinion, is not sufficiently broad to authorize legislation concerning school cities. Moreover, I do not think that section 7 of the act can reasonably be construed to authorize the mayor of a city of the fourth class to appoint the school board in the corresponding school city. In other words, the selection of such school boards as otherwise now provided by law, is not changed by section 7 of chapter 233 of the Acts of 1933.

The answer to your question is in the negative.