"The following persons only may hunt, fish or trap without a license therefor, and upon these conditions only: The owners of farm lands who are residents of Indiana, and their children living with them, upon such lands only; bona fide tenants of farm lands, residing thereon, upon such lands only. All persons under eighteen years of age may fish without a license. Also all persons who by right of being an honorably discharged soldier, sailor, marine or army nurse are exempt from securing a license under this act." (Our italics.)

Clearly, your department has no legal authority to exempt any other persons except those expressly named in the act itself. Unfortunately for those concerned, the law does not provide for any exemptions or free permits on account of financial inability to procure license.

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ENGINEERS AND SURVEYORS DEPT.: Concerning applications and fees for land surveyors and professional engineers.

June 23, 1933.

Mr. L. D. Davis, Secretary,
Indiana State Board of Registration for Engineers and Land Surveyors,
State House.

Dear Sir:

I have before me your letter of June 21 which requests an opinion from this office upon the following statement of facts:

"An application together with the required fee was received in June, 1932, requesting registration as a professional engineer, the board found the applicant should stand a written examination to fully qualify for such registration. The applicant appeared, but did not complete his examination and later by mail requested his application be changed to that of land surveyor. Whereupon the board did grant and issue a certificate of registration as a land surveyor on October 27, 1932.

"Now the same person has again made application for registration as a professional engineer and has re-
quested the board to consider his original application
fee of $25.00 as a part of his new application.
"The board doubts that it can accept the second
application without an additional payment of fee."

Section 9 of the engineering and surveying act, being section
9, chapter 169, Acts of 1921 (as amended, Acts 1927, p. 448),
provides in part:

"The board shall, on application therefor, on pre-
scribed form and the payment of a fee of twenty-five
dollars, issue a certificate of registration:

"1. To any person who submits evidence satisfactory
to the board that he or she is fully qualified to practice
professional engineering or land surveying; * * *"
(Our italics.)

It is clear from this language and from the other general
language of the act, that the legislature intended to divide the
applicants, as well as the certificates of registration issued to
them, into two separate and distinct classes, one class com-
posed of those qualified as engineers, and the other, as land
surveyors. It seems equally clear, from the language "on ap-
plication * * * and the payment of a fee of twenty-five
dollars" that the legislature intended such fee to accompany
each application. The only provision for any refund, is that
which provides for a return of sixty per cent of the registra-
tion fee "in case the board denies the issuance of a certificate."
(Chapter 148, Acts of 1927, p. 448.) No certificate was denied
in the case under inquiry, the application being changed to
one for a certificate as a land surveyor, on the request of the
applicant, and such certificate being issued. To allow the
party credit for his original fee, on his pending application
for a certificate as engineer, would amount to allowing him a
return of the original fee, where the issuance of the license
on such original application was not denied. I do not believe
the statute contemplates any such procedure.

Of course, if the certificate heretofore granted had been
that of an engineer, the present question would not have been
raised; for it would not have been necessary for the applicant
to file an additional application in order to practice as a sur-
veyor. The act provides that "Nothing in this act shall be
construed as prohibiting registered professional engineers
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