of selection by the parent, guardian or custodian would not apply, however, where there is no commissioned high school in the school corporation and transfer is mandatory. In such a case, the trustee or board of trustees of the transferring corporation would be entitled to select the school or schools to which such high school pupils would be transferred. The difference between the two situations is, that in the first case, the right to a transfer is discretionary with the trustee or board of school trustees, while in the latter instance, the duty to grant such transfer is mandatory.

PUBLIC INSTRUCTION, DEPT. OF: Whether trustee, who fills unexpired term and is elected for following term, is eligible for immediate reelection.

September 20, 1933.

Hon. George C. Cole,
Superintendent of Public Instruction,
State House,
Indianapolis, Indiana.

Dear Sir:
The letter of Glen O. Chenoweth, Superintendent of Schools of Winchester, Indiana, wherein he asks you the following question:

“If a trustee is appointed to fill out an unexpired term and is elected for a term immediately following, is he eligible for re-election for another term immediately following?”,

was transmitted to this office by you requesting an official opinion upon the said question.

In answer to the question propounded, I wish to call your attention to section 12024 of the Revised Statutes of 1926, which provides as follows:

“That any person who holds the office of township trustee of any township in this state for one (1) term or less, shall be eligible to said office for the next ensuing term, unless otherwise disqualified and thereafter no person shall be eligible to the office of township trustee for more than eight years in any period of twelve years.”
Section 11 of Article II of the Constitution of the State of Indiana, provides as follows:

"In all cases in which it is provided that an office shall not be filled by the same person more than a certain number of years continuously, an appointment pro tempore shall not be reckoned as a part of that term."

Under the provisions of the Constitution of the State, the appointive term would not be reckoned in counting the terms held by the trustee.

Therefore, since he has held only one elective term, he would, under any possible construction of the statute, be eligible to another elective term.

ACCOUNTS, BOARD OF: Whether clerk-treasurer is paid as collector for utilities; whether term "city controller" includes city clerk-treasurer.

September 2, 1933.

Hon. William P. Cosgrove,
State Examiner,
State Board of Accounts,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of August 30, 1933, submitting the following questions:

1. "May the clerk-treasurer be paid an additional amount for his services as collector for the water and light utilities?"
2. "Does the term 'city controller' as used in section 21 of this act include city clerk-treasurer?"

Since the clerk-treasurer in fourth and fifth class cities performs the duties of city controller, and, to all intents and purposes, is the city controller, it is my opinion, that wherever the words "city controller" are used in the act, the same refer to the clerk-treasurer in fourth and fifth class cities, and since such clerk-treasurer is charged with such duties, he is likewise entitled to the same language construction as regards compensation.

Hence, my answer is "yes" to both questions.