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.