The last question has been answered in my letter to you under date of November 23, 1933, to which you are referred. I desire to say, however, that in view of the answers to the first and second questions, the language "reappointment for the new calendar year" is hardly proper. Probation officers, in my opinion, are not appointed for a calendar year, or upon that basis.

Referring now to your first question, the statute authorizing the appointment of local probation officers does not fix any specific term. Under the provisions of section 2 of Article 15 of the Indiana Constitution, therefore, such officer holds his office during the pleasure of the authority making the appointment. In my opinion, the term of a probation officer appointed by a judge would expire with that judge's term of office.

Referring now to your second question. As already stated, there is no fixed tenure for a probation officer. There is, therefore, no limitation on the term of service except as already indicated herein. In other words, the provision of the Constitution, that the General Assembly shall not create an office, the tenure of which shall be longer than four years, does not apply.

BOYS' SCHOOL: Delivering boy committed to school—mileage of sheriff; whether entitled to allowance for attendant.

December 13, 1933.

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

Dear Sir:
I have before me your letter of November 21, 1933, reading as follows:

"Please advise the rate per mile that the county sheriffs are to receive for delivering boys to the Indiana Boys' School, and whether this rate is the same if one or more boys are delivered on the same trip.
"Also, please advise whether or not the sheriff is allowed to have an attendant and mileage for the attendant."

Section 1, chapter 26, Acts of 1932, contains the following provision:
"The sheriffs of the several counties of this state shall be entitled to charge and collect the following amounts on account of the services performed by such sheriffs, which shall belong to and be the property of the sheriff performing such service:

"(a) For removing persons to the state prison, reformatory, state farm, woman's prison, boys' school, girls' school, any state hospital or other state institution, the following amount:

"1. If such persons be transported by a common carrier, the actual cost of transportation for the sheriff, for each person in custody and for each attendant allowed by law who may actually accompany such sheriff, together with any other expenses necessarily incurred.

"2. If such persons be transported by a conveyance furnished by the sheriff, the sum of eight cents per mile for each mile necessarily traveled, by each such conveyance, but not more than one mileage shall be charged for any one conveyance, although transporting more than one person." (Our italics.)

The compensation fixed by the last mentioned act was not affected by the provisions of the general Salaries Act of 1933, section 8 of which contains the following provision:

"The salaries herein provided for sheriffs shall be in full for all services required of the sheriffs by statute including the attendance upon all courts and boards, except as herein otherwise provided. The sheriffs' fees accruing on process issued by courts outside of the county shall be the property of the respective sheriffs. Sheriffs shall be paid as now provided by law for transporting persons to penal and benevolent institutions, and for returning fugitives from justice, which allowance shall inure to the benefit of the sheriffs. * * *" (Section 8, chapter 21, Acts of 1933.) (Our italics.)

In answer to your first question, it is apparent that sheriffs are entitled to eight cents per mile for each mile necessarily traveled by them in transporting boys to your institution, where the sheriffs furnish their own conveyance, regardless of whether one or more boys are transported on the same trip.
Your second question is answered by the fact that there is no statutory authority for the compensation of attendants accompanying boys who are delivered to your institution.

PUBLIC INSTRUCTION, DEPT. OF: Whether trustee, who fills unexpired term and is elected for following term, is eligible for immediate re-election (same as opinion dated September 20, 1933).

December 15, 1933.

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

Dear Sir:
I have your letter of December 14th, asking for my opinion on the following question, to wit:

"A township trustee was appointed to complete an unexpired term, then elected for a term of four years. May he be elected again to succeed himself?"

The question submitted was answered by me on September 20, 1933, in a letter to Hon. George C. Cole, Superintendent of Public Instruction. I am enclosing a copy of this opinion for you.

In this opinion, I held that a trustee may be elected again to succeed himself. Under the provisions of the Constitution of the state, the appointive term would not be reckoned in counting the term held by the trustee.

AUDITOR OF STATE: School fund mortgages, whether county may accept home loan bonds in payment thereof.

December 15, 1933.

Hon. Floyd E. Williamson,
Auditor of State,
State House,
Indianapolis, Indiana.

Dear Sir:
I have before me your request for an opinion wherein you submit the following question: