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:
"Where a school fund mortgage is in arrears as to interest and the mortgagee is able to obtain a government home loan, can the county accept the home loan bonds as payment of the loan?"

The "county" in such case must of course act by some duly authorized officer, whose authority is limited by statute. In other words, public officers of a county have no implied powers, except such as are necessary to carry out their express powers. I do not find any express authority in any county officer which would authorize the acceptance by him of bonds issued by the Home Owners Loan Corporation in payment of a school fund mortgage. In my opinion, no such authority exists under the present statutes.

GOVERNOR: Construction of sewers by cities.

December 15, 1933.

Hon. Paul V. McNutt,
Governor of the State of Indiana,
State House,
Indianapolis, Indiana.

My dear Governor:

I have before me your letter of December 13, 1933, in which you ask the construction of section 1, chapter 61 of the Acts of 1932, special session, found on pages 209 and 210 of the acts, which reads as follows:

"Be it enacted by the general assembly of the State of Indiana, That every city and town in the State of Indiana is hereby authorized and empowered to own, acquire, construct, equip, operate and maintain within and/or without the corporate limits of such city or town, a sewage treatment plant or plants, intercepting sewers, outfall sewers, force mains, pumping stations, ejector stations and all other appurtenances necessary or useful and convenient for the treatment, purification and disposal, in a sanitary manner, of the liquid and solid waste, sewage, night soil and industrial waste of such city or town, and shall have authority to acquire by gift, grant, purchase, condemnation, or otherwise, all necessary lands, rights of way and property