fied the experience requirement by being a graduate of a
school of pharmacy of such standing and requirements as is
satisfactory to the board of pharmacy, in which case, the
actual time spent in attendance at such school must be ac-
cepted as an equivalent for a term of service of equal length
in a store or pharmacy where physicians’ prescriptions are
compounded. (Burns 1929 Supplement to Burns Annotated
Indiana Statutes of 1926, Section 13836.)

Your second question is as follows:

“This applicant holds a certificate of apprentice
pharmacist dated June 5, 1920, but the certificate is
one of a series of blank certificates which contained
the following statement to-wit: ‘whose time of appren-
ticeship began on the 1st day of October, 1919, and
the time of experience required of the owner of this
certificate when applying for examination as registered
pharmacist shall be computed from the above date.’
The italicized portion of the above quotation, with the
exception of the date, was printed on the registered
apprentice blanks in use at that time and was not in
accordance with the statute (Acts 1919, p. 95) and the
board wants to be instructed as to whether to be gov-
erned by the statute which course would render appli-
cant in question ineligible for examination, or by the
wording of the certificate which the former board is-
sued to this applicant and under which the applicant
would be granted permission to take the examination
for registered pharmacist’s certificate.”

The answer to this inquiry is apparent. The board has no
right to abrogate or annul the law which so clearly prescribes
the qualifications for a registered pharmacist.

PUBLIC INSTRUCTION, DEPT. OF: Whether person legally
qualified must be resident of county to be eligible for
election as county superintendent.

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

March 10, 1933.

Dear Sir:

I have before me your letter submitting the following ques-
tion:
"Is it necessary that a person be a resident of a county in order to be eligible to be elected as county superintendent, providing such person is otherwise legally qualified?"

This same question was submitted to my predecessor and answered by him in the negative, in a letter addressed to Hon. Roy R. Roudebush, then Assistant Superintendent of Public Instruction, under date of May 23, 1929. Opinions of Attorney General 1929-1930, page 242.

I adhere to this opinion. Your question is answered in the negative.

PRISON, INDIANA STATE: Payment of expenses of witnesses in connection with Indiana State Prison.

March 13, 1933.

Walter H. Daly, Warden,
Indiana State Prison,
Michigan City, Indiana.

Dear Sir:

In answer to your letter of March 10, 1933, inquiring as to whether or not, under section 2289 Burns Indiana Statutes of 1926, providing, "The county in which the offense was alleged to have been committed shall pay the actual and necessary expense of producing, keeping and returning such witness," the Indiana State Prison is entitled to charge the county in which the offense was alleged to have been committed a per diem for the services of the officer, who produces the convict in court, to testify as a witness. It is my opinion that so long as the charge made does not exceed the actual per diem paid by the Indiana State Prison to the officer, it is a proper charge against the county.

The statute provides that the county shall be liable for the actual and necessary expense of producing and returning such witness. It is necessary that the prison employ some person to produce the prisoner or delegate one of its own officials to produce the convict in court for the purpose of testifying. Therefore, it is my opinion that the per diem actually paid such officer by the prison, is an actual and necessary expense and a proper charge to be made against the county in which the offense is alleged to have been committed and that the Indiana State Prison is entitled to recover the actual per diem so paid.