and such real estate is released from the lien thereof. Burns Indiana Statutes Annotated (1933), Section 2-617.

In view of the provisions above set out, even though not in language exactly identical with Section 1 of Chapter 8 of the Acts of 1917, your further questions are, doubtless, pertinent. They are as follows:

"1. Is a county recorder authorized to release liens of record without a request from the owner or owners of record of such real estate described in the lien?

"2. Does a payment of interest or principal on a real estate mortgage indebtedness automatically extend the time referred to in this particular Act to twenty years from the date of the last payment on principal or interest of a mortgage?"

Both questions are answered in the negative. However, the negative answer to the first question is of no real importance since the lien actually does expire unless steps are taken to renew it.

---

**ELECTIONS: Right of Deputy Clerk to receive additional compensation as assistant to Board of Election Commissioners (Right of Board of (General) Election Commissioners to employ assistants or clerks.)**

September 30, 1936.

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

Dear Sir:

I have before me your letter submitting the following question:

"Is a deputy or employee in the office of the Clerk of the Circuit Court, who is on a regular monthly salary, entitled to receive and retain extra compensation for services performed for the Board of Election Commissioners?"
In my opinion, your question should be answered in the affirmative.

Chapter 117, Section 2, Acts 1917, Burns Ann. Stat. for 1933, Section 29-504, provides:

"* * * Such 'primary' election commissioners shall also serve as election commissioners at the election for which nominations by such primary are made. Said primary election commissioners shall employ all necessary clerical assistants, who shall be paid for their services in the same manner and amount as now provided for by law. * * *"

Although this Section deals with primary elections only, and although there is no specific power under the statutes for the board of election commissioners at a general election—as distinguished from a primary election—to employ assistants or clerks, nevertheless, since the board of primary election commissioners and the board of (general) election commissioners is in fact a containing board and since their duties are analogous, it is my opinion that the latter board would have the implied power to employ such assistants as are necessary to properly perform their duties.

Chapter 21, Section 1, Acts of 1933, Burns 49-1001, provides:

"The public officers herein named together with their deputies and other assistants shall receive for their services the compensation provided in this Act, * * * and they shall receive no other compensation, fees, per diem, per cent or other remuneration whatsoever * * *"

However, in my opinion, this Section applies to these officers in the performance of their official duties as officers and does not mean that they are prohibited from accepting any other employment whatsoever.

Since the County Board of Election Commissioners had authority to employ assistants, and since they did employ such assistants, as I am informed by you, it is my opinion that such assistants would be entitled to receive and retain compensation for services rendered to said Board. The fact

NOTE: primary*—our insertion.
that one of such assistants was already on a regular monthly salary payable by the county seems to me to be immaterial.

If such assistant neglected the duties of a deputy clerk or employee in the Clerk's office, then the remedy is that the assistant be discharged from said office.

UNEMPLOYMENT COMPENSATION: Section 3 (c) of Act interpreted—Consent of Employees, whether same is necessary to authorize an employer to elect to come under the Act.

October 1, 1936.

Hon. F. C. McClurg,
Chief Counsel,
Unemployment Compensation Division,
Department of Treasury,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter requesting an official opinion construing Section 3 (c) of the Unemployment Compensation Law of 1936, Acts of 1936, page 80. The Section as an entirety is as follows:

"Section 3. Period, election and termination of employer's coverage.

"(a) Any employing unit which is or becomes an employer subject to this Act within any calendar year shall be subject to this Act during the whole of such calendar year.

"(b) Except as otherwise provided in subsection (c) of this Section, an employing unit shall cease to be an employer subject to this Act only as of the first day of January of any calendar year, if it files with the board, prior to the 5th day of January of such year, a written application for termination of coverage, and the board finds that there was no twenty different days, each day being in a different week within the preceding calendar year, within which such employing unit employed eight or more individuals in employment subject to this Act. For the purpose of this subsec-