vision of Section 54-610 (b) of Burns Indiana Statutes Annoted (1933) which reads in part as follows:

"Any municipality within this state shall have the power to construct, acquire, purchase, condemn, operate and/or manage any utility, or make extensions or replacements to such municipally-owned utility without the approval or consent of the public service commission, or the intervention of such commission in any way whatsoever;".

In my opinion under the conditions set out in the first literary paragraph of this opinion the approval of the Public Service Commission is not required to authorize the purchase by a municipality of an existing waterworks system pursuant to the authority conferred by sections 48-5345 to 48-5368 inclusive of Burns Indiana Statutes Annotated (1933), and is not required to authorize the issuance of water revenue bonds with which to raise money for the payment of a part of the purchase price of such system so acquired.

ATTORNEY GENERAL, ASSISTANT TO: Whether absence of savings clause in Act repealing a former Act prevents recovery under previous Act of accrued liabilities.

January 14, 1936.

Mr. John W. Kenny,
Assistant to the Attorney General,
309 State House,

Dear Sir:

Your letter of December 31, 1935, to the Attorney General requesting an advisory opinion concerning the absence of a so-called savings clause in Chapter 132 of the Acts of 1935 has been referred to me for reply. You submit the following question:

"Does the lack of a savings clause in the Act of 1935 render the Act of 1917 as ineffective as if it had never existed, so as to preclude the collection of maintenance charges accruing under the latter act, notwithstanding Section 1-307 of Burns Annotated Statutes of 1933?"
In my opinion this question should be answered in the negative. There are authorities considering Section 1-307 of Burns Annotated Indiana Statutes of 1933 which seem to restrict the meaning of the term "liability" to a penalty or forfeiture or something of a kindred nature. However, Section 1-302 literally covers the case which you have submitted and provides that "no rights vested, or suits instituted, under existing laws shall be affected by repeal thereof, but all such rights may be asserted, and such suits prosecuted, as if such laws had not been repealed." This section has been before the courts in a number of cases and in each case it has been given the effect as indicated by me in this letter. The following cases, I think, serve your purpose.

Central Indiana Railway Co. v. Davis. Admr. 78 Ind. App. 341 at p. 348.
American Surety Co. v. State ex rel., 50 Ind. App. 475 at p. 482.
Wise et al. v. McKeever, Trustee, 184 Ind. 686 at p. 695.

The right to reimbursement by the State as provided in the Act of 1917 as amended from time to time clearly was a vested right at the time of the repeal of the statute. It is true that the various claims would be unliquidated but the liability existed.

ACCOUNTS, STATE BOARD OF: Whether city civil engineer, if elected secretary of Planning Commission, may receive compensation for services as such secretary.

January 17, 1936.

Hon. Wm. P. Cosgrove,
State Examiner,
State House,
Indianapolis, Indiana.

Dear Sir:

I have before me your request for an official opinion in answer to the following question:

"Can a City Civil Engineer, who is ex officio a member of the City Planning Commission, legally receive