

the simple interest on which the compound interest is charged becomes due, and in consideration of the forbearance of said simple interest."

Niles v. Board of Commissioners of Sinking Fund
—8 Blackford, 158 at 159.

It is my opinion, therefore, that such a loan would not violate the provisions of the statute with reference to interest charges.

Section 2, chapter 154 of the Acts of the Indiana General Assembly, 1933, further provides that:

"No licensee shall directly or indirectly charge, contract for, or receive any interest or consideration greater than he would be permitted by law to charge if he were not a licensee hereunder, upon the loan, use, or forbearance of money, goods, or things in action, or upon the loan, use, or sale of credit, of the amount or value of more than three hundred dollars."

It is apparent, therefore, that the licensee may renew loans and constitute as the new principal the principal and interest due on the old loan at maturity, provided, however, such does not operate to exceed the maximum of three hundred dollars.

**ACCOUNTS, STATE BOARD OF: Deputy county officials,
salary increase.**

April 12, 1937.

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

Dear Sir:

This will acknowledge receipt of your letter of April 7th, submitting the following question:

"Are the deputies to the various county officers, who are now serving, entitled to the increase as provided for as soon as chapter 45 of the Acts of the General Assembly, 1937, becomes effective, provided, of course, that the county council makes the necessary appropriation?"

Chapter 45 of the Acts of the General Assembly, State of Indiana, 1937, amends section 2, chapter 21 of the Acts of 1933 and provides that:

“The various officials are authorized to appoint and remove all deputies and other assistants in their respective offices and shall be held responsible for the official acts of such deputies and other assistants. The salaries and other compensation of such deputies and other assistants, to be paid by the county, shall be fixed by the county council within the prescribed limits designated herein.”

The Act then designates the officials who are authorized to appoint deputies and fixes the minimum and maximum salary payable in each case. This is graduated in the various counties on the basis of population.

The Act further provides that:

“The estimates of compensation to be paid deputies and other assistants submitted by the respective officials of each county shall be itemized so as to state the annual rate of salary of each deputy and each assistant and in case of part time deputies and assistants said estimate shall state the pro rata part of the year each is to be employed. The appropriation by the county council shall be itemized in conformity with the aforesaid estimate.”

It is apparent, therefore, from the statutes above quoted that the law does not require deputies to be appointed for a definite term and the public official is given power to both employ and remove such deputies. Unless the deputy therefore has a contract of employment with the public official for a definite term there is nothing in the law to prevent the public official from discharging him and re-employing his deputy at an increased salary, provided he can obtain the approval of the county commissioners and county council as to such increase and within the limits designated in the statute. In the event the appropriation for deputy hire is not sufficient to permit the salary increase then it would be necessary to obtain an additional appropriation by the county council before the salary increase could become effective.