on or before the first Monday in November, 1937, and would not be delinquent until that day, the Act may be construed as relieving the persons named therein from the obligation to pay the November, 1937, installment of poll taxes without (a) giving the Act a retroactive effect or (b) producing an unreasonable result in its operation.

BEAUTY CULTURISTS, BOARD OF: Demonstrators, licensing of as beauty culturists.

June 29, 1937.

Lucille M. Booher, Secretary,
State Board of Beauty Culturist Examiners,
219 State House,
Indianapolis, Indiana.

Dear Madam:

Your letter of June 22 asks whether or not you have a right to prevent demonstrators working on customers for the purpose of demonstrating the commodities which they sell, without first obtaining a license in Indiana as a beauty culturist.

Section 2 of chapter 72 of the Acts of 1935 provides in part:

> "Anyone or any combination of the following practices when performed upon the head, face, neck, shoulders, arms and/or hands for cosmetic purposes and done for the public generally for pay or compensation shall constitute the practice of beauty culture. * * *"

Section 1 of the Act says that it shall be unlawful to practice beauty culture without a license.

In view of the definition of what shall constitute the practice of beauty culture as hereinabove set out, it is my opinion that the demonstrators of whom you speak in your letter do not need an Indiana license to continue with their work of demonstration. This is true for the reasons that first: the demonstrators are not doing these things for the public generally; and second: they are not doing these things for the public generally for pay. The use of the words "for pay" clearly means that the pay or compensation shall flow to the individual doing the work from the public generally and shall

be the consideration for the work done; that is to say that the customer shall pay for the personal service rendered on her. In the case of demonstrators, their pay or compensation comes about purely as a result of commissions which they receive on the sale of their product and does not come about as a result of doing anyone or a combination of the six things set out in section 2 of chapter 72 of the Acts of 1935.

These demonstrators are not practicing beauty culture or any correlative function such as to come within the provision of said chapter 72. Thus, you do not have the right to prevent such work nor to require that the demonstrators become licensed pursuant to the laws of Indiana.

ACCOUNTS, STATE BOARD OF: City engineers—right to draw additional salary as superintendent of city sewage disposal plant.

June 29, 1937.

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

Dear Sir:

I have before me your letter of June 25, in which you submit the following question:

> "Can the city engineer of a fourth class city serve as superintendent of the sewage disposal plant, and receive and retain for such services compensation in addition to his salary as city engineer?"

In reply to this question your attention is directed to section 7, chapter 233, Acts of the Indiana General Assembly, 1933, which provides that:

> "The mayor shall appoint a city civil engineer, a city attorney, a chief of fire department, a chief of police, and such boards, commissions, officers and other employes, in accordance with the provisions of laws now in effect and as hereinafter provided."