there does not appear to be any provision which would authorize the trustee at the present time to abandon the school at Gwynneville.

Another reason is apparent also in the fact that both sections provide that the sale when made is to be made "for the highest price that can be obtained therefor." There may be cases in which it would be immaterial to a purchaser as to whether the building was to be demolished or not, but unless it could be shown that no higher price could be obtained for the building without the demolishing covenant than with it, it seems to me that the insertion in a proposal to sell of the condition that the building should be immediately demolished would be in violation of the above sections of the statute.

In my opinion, therefore, the township trustee in the case referred to, and under the facts as set out by him in his letter, would not be authorized to sell the building at Gwynneville with the condition attached that the buyer should immediately demolish it.

ACCOUNTS, STATE BOARD OF: Cities and towns. In cities of third class, Sanitary Board appointed by Council.

May 26, 1938.

Hon. W. P. Cosgrove,
State Examiner, Division of Accounting and Statistics,
State House,
Indianapolis, Indiana.

Dear Mr. Cosgrove:

This will acknowledge receipt of your letter of May 18, in which you submit the following question:

"Is the mayor of a third class city authorized to appoint members of the sanitary board of such city?"

In regard to this question your attention is directed to Section 48-4301 and sections following, Burns' Indiana Statutes, 1933 Revision, which provide for the construction and operation of sewage disposal plants. Section 48-4302, Burns' Indiana Statutes, 1933 Revision, contains the following provision:

"The construction, acquisition, improvement, equipment, custody, operation and maintenance of any such
works for the collection, treatment or disposal of sewage and the collection of revenues therefrom for the service rendered thereby, shall be under the supervision and control of the board of public works of the city, or of the committee or body authorized to perform the duties of a board of public works in cities where there is no such board, or of the board of trustees of the town, as the case may be."

You will note from the above statute that the operation of a sewage disposal plant is under the jurisdiction and control of the board of public works.

Section 6, Chapter 233 of the Acts of Indiana General Assembly of 1933 deals with the third class cities and then provides that:

"In cities of the third class the duties of the board of public works and the duties of the board of public safety as now provided by law shall be performed by a board to be known as the 'board of public works and safety,' which board shall be composed of the mayor, the city civil engineer and the city attorney. Such officers shall serve as members of such board without additional compensation therefor. The city clerk shall be clerk of the 'board of public works and safety' without additional compensation therefor."

It is my opinion, therefore, that the board of public works and safety which exists in cities of the third class is the board which should supervise and control sewage disposal plants in cities of the third class.

Your attention is further directed, however, to Section 48-4316, Burns' Indiana Statutes, 1933 Revision, which provides that the common council of a city may in its discretion provide by ordinance that the custody, administration, operation and maintenance of a sewage disposal plant shall be under the supervision and control of the sanitary board. The Act then provides:

"Such sanitary board shall be composed of the mayor of the city or the president of the board of trustees of the town, as the case may be, and two (2) persons appointed by the common council or board of trustees, one (1) of which must be a registered professional engi-
neer. No officer or employee of the city or town whether holding a paid or unpaid office, shall be eligible to appointment on said sanitary board. Said appointees shall originally be appointed for terms of two and three (2 and 3) years respectively and upon the expiration of each such term and each succeeding term, an appointment of a successor shall be made in like manner for a term of three (3) years."

It is my opinion that under this particular section of the statute a sanitary board might be set up in cities of the third class. However, the mayor would not be entitled to appoint the members of this board.

LABOR, DIVISION OF: Minors. Employment of as farm or domestic laborers.  

May 26, 1938.

Mrs. Mary L. Garner,
Director, Division of Labor,
Room 404 State House,
Indianapolis, Indiana.

Dear Mrs. Garner:

This will acknowledge receipt of your letter of May 25 in which you ask to the right of school officials acting as issuing officers under the laws governing the employment of minors to destroy certain records relative to such certificate.

This is a matter in which the state is not a party and there is no law governing the preservation or destruction of such documents. If the issuing officer feels that these documents are of any value they should be returned to the owner when they have served their purpose. If they have no value, then their custody is entirely a matter for the local school officials to deal with as they see fit.

As to the necessity for an employment certificate for minors between the ages of sixteen and eighteen years who are engaged in farm labor, domestic service or as a caddy, it is my opinion that no such certificate is necessary. Your attention is directed to Section 28-519, Burns' Indiana Statutes, 1933 Revision, which provides that—