ployed as such Field Examiner. Thus, the limitation would not prohibit the payment of a per diem to the examiner when he acts as Secretary in the administration of the Public Deposits Insurance Fund, provided that he did not for any one day receive the per diem as the Field Examiner and also the per diem as the Secretary.

I find nothing in the statutes which would prohibit this same individual from receiving the $50.00 per month as compensation for his services as secretary of the Department of Treasury. As I view the facts, each of these three duties is a separate and distinct thing, one from the other, performed by one individual at different times for which he is entitled to compensation.

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HEALTH, STATE BOARD OF: Per diem of members.

July 1, 1938.

Dr. Verne K. Harvey,
Director, State Board of Health,
State House Annex,
Indianapolis, Indiana.

Dear Dr. Harvey:

This will acknowledge receipt of your letter dated June 30, 1938, in which you submit the following question:

"Is the auditor of the State of Indiana authorized to pay Ten Dollars ($10.00) per diem to the members of the board of the Indiana State Board of Health?"

In reply to this question your attention is directed to section 35-105 of Burns’ Indiana Statutes Annotated, 1933 Revision, which reads in part as follows:

"The State Board of Health shall meet at least once in each quarter in the city of Indianapolis, and as often as they may deem necessary, and at such other times and places as they may deem expedient. A majority shall constitute a quorum for the transaction of business, and a per diem of Five Dollars ($5.00) per day and expenses shall be allowed for the attendance upon meetings to each member, except the secretary."
This is the only statutory provision which deals with the per diem of board members and is, in my opinion, controlling.

While it is true that the Reorganization Act of 1933 gives the governor large discretionary powers in changing the personnel and duties of the various boards and agencies of the state, I think it is not sufficiently broad to permit a change in per diem which has been fixed by statute. Your attention is directed to section 27 of chapter 4 of the Acts of the Indiana General Assembly of 1933, which provides that the governor "shall have full power to change or curtail or abolish the offices constituting the bureaus, commissions, boards or agencies created or designated by statute or otherwise for carrying out the functions or purposes of any such bureau, commission, board or agency; and to fix, modify or change the compensation of any officer, employee or servant subject to the limitations established by law."

It is my opinion that the last phrase precludes a change in the per diem of the board members, and the same should accordingly be allowed at the rate of $5.00 per day.

PUBLIC INSTRUCTION, DEPARTMENT OF: School buildings, right of trustee to demolish school building on abandonement. Right to sell school buildings and property with reversionary provision or conditions of limitation based on exclusive school usage.

July 8, 1938.

Hon. Grover Van Duyn,
Assistant Superintendent of Public Instruction,
Indianapolis, Indiana.

Dear Mr. Van Duyn:

This will acknowledge receipt of your letter of July 2, 1938, in which you submit the following questions:

"1. Has a township trustee any authority to demolish a school building as such?

"2. Has a township trustee any authority to sell a school building located on real estate owned by the township conditionally and with reversionary provision?"