an item in an appropriation which it is the mandatory duty of another body to make.

It is my opinion, therefore, that insofar as their action sought to eliminate the appropriation for the legally fixed salary of the inspector of weights and measures in the county referred to, that such action was wholly unauthorized.

It may be that the disbursing officers of the county, as a matter of protection, would require the restoration of the appropriation through some appropriate court action upon the basis that it is not the duty of a ministerial officer to determine at his hazard the legality of the action of the County Tax Adjustment Board. But it seems to be clear that there can be only one result to such litigation, that is, to hold that the County Tax Adjustment Board has no more authority over this particular officer's salary than it does over the salary of other county officers which is fixed by statute.

LABOR, DIVISION OF: Student aid—National Youth Administration minors permit not required by school corporation.

October 15, 1938.

Mrs. Mary L. Garner,
Director, Bureau of Women and Children,
Division of Labor,
Indianapolis, Indiana.

Dear Mrs. Garner:

In reply to your letter of October 3 requesting a ruling, which request is set out as follows:

"The question has arisen as to the necessity of high school students, who are taking advantage of the National Youth Administration student aid employment designated as school aid. Does the federal aid in this case supersede our school attendance child labor law of 1921, Chapter 132? Should a school issuing officer issue a minor's certificate of age to such minors employed part time under National Youth Administration?"

This request, I assume, is limited to the employment of high school students through the National Youth Administra-
tion Student Aid to the high schools themselves and this opinion will be limited to that extent.

Then the question is presented: Are high school corporations required to file certificates issued under the authority of and required by Section 19 of Chapter 132 of the Acts of 1921 for use between the ages of fourteen and eighteen years? The section referred to provides in part as follows:

"It shall be unlawful for any person, firm, or corporation to hire or employ or permit any minor between the ages of fourteen and eighteen years to work in any gainful occupation until such person, firm or corporation shall have secured and placed on file in the office of such person, firm or corporation a certificate issued by the issuing officer, as hereinafter defined, of the school corporation in which said minor resides. Upon the request of any employer who desires to employ a minor who represents his or her age to be between eighteen and twenty-one years, it shall be the duty of the issuing officer to issue a certificate to such minor. Upon the request of any parent or guardian, the issuing officer shall have authority to issue permits for temporary absences for causes other than employment.


A school corporation is a municipal corporation and it has been consistently held by the courts that the term "person, firm or corporation" does not include a municipal corporation or a sovereign state or the United States unless expressly so stated.

Wallace v. Lawyer, 54 Ind. 501;
Township of East Oakland v. Skinner, 94 U. S. 255;
Campbell v. Paris & D. R. Co., 71 Ill. 611;
Cedar County v. Johnson, 50 Mo. 225;
Emes v. Fowler, 89 N. Y. Supp. 685;
Town of Kearney v. Jersey City, 73 Atl. 110, 78 N. J. Law, 77;
Bramblett v. City Council of Greenville, 70 S. E. 450, 88 S. C. 110;
In re City of New York, 91 N. Y. Supp. 987;
Franklin Savings Bank v. Inhabitants of Framingham, 98 N. E. 925, 212 Mass. 92;
Donahue v. City of Newburyport, 98 N. E. 1081, 212 Mass. 561.

From the foregoing it follows that the above terms do not include the school corporations of the State of Indiana and the permit, therefore, is not required.

FINANCIAL INSTITUTIONS: Loans by Banks and Trust Companies on real estate limited to five year term.

October 19, 1938.

Hon. Ross H. Wallace,
Director, Department of Financial Institutions,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter calling attention to the amendment of section 201 of the Indiana Financial Institutions Act by the General Assembly of 1937. The amendment referred to is chapter 26 of the Acts of 1937.


The amendment, among other things, operates to authorize banks and trust companies to loan money upon the security of a first lien upon real estate in an amount not to exceed sixty per cent of the appraised value of the real estate offered as security if the loan is secured by mortgage, deed of trust or other such instrument, and the terms of the loan require a semi-annual principal reduction of not less than three per cent. In the section as it stood prior to the amendment and also earlier in the section as amended, it is provided that no loan shall be for a longer term than five years.

You state that a question has arisen as to whether or not a loan secured by a mortgage in an amount of sixty per cent or less of the appraised value of the property covered by the mortgage can be made for a period in excess of five years where the mortgage provides for a semi-annual principal reduction of not less than three per cent. You ask for my opinion upon this question.