which you have submitted, as to whether you may accept a substitution of new securities for securities already on file. Ordinarily, a public officer is limited strictly to the authority granted to him by the statutes. I do not find any statutes which authorize the auditor of state to make such substitution, and until such authority has been granted by the Legislature, I do not think such authority exists.

ACCOUNTS, STATE BOARD OF: Justice of the Peace, whether the salary provision of Burns' (1933) Sec. 5-1705 applies in Warren Township, Marion County.

December 19, 1938.

Hon. William P. Cosgrove,
State Examiner,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter calling attention to section 5-1705 of Burns' Indiana Statutes Annotated (1933) which provides as follows:

"Each justice of the peace in and for any township in this state wherein there is located a city or any part of a city having a population of three hundred thousand (300,000) or more, as shown by the last preceding United States census, and wherein are permanently located and sitting three or more municipal courts, shall receive a salary of two thousand dollars ($2,000) per annum, payable quarterly, on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September and the thirty-first day of December, out of the township treasury of such township."

The only city of the state having the required population is the City of Indianapolis, a part of which is located in Center Township of Marion County. There are also permanently located and sitting in Center Township of Marion County three municipal courts. Another part of the City of Indianapolis is located in Warren Township of Marion County, but there are no municipal courts in said Warren Township.
You request an official opinion as to whether the justices of the peace in said Warren Township come under the salary provisions of the above quoted section of the statutes. The answer is that they do not come under such salary provisions. The modifying clause "wherein there is located a city or any part of a city having a population of three hundred thousand (300,000)" etc., which clearly modifies "township" is joined with the other modifying clause "wherein are permanently located and sitting three or more municipal courts" by the conjunctive "and". This means that both requirements must be present in order that justice of the peace may come within the terms of the statute. Only one requirement is present as to Warren Township and a justice of the peace within said township is, therefore, not within the provisions of the above section of the statutes.

UNEMPLOYMENT COMPENSATION, DIVISION OF: Vested right in benefits payable; escheat to State of benefit payment. December 27, 1938.

Hon. Fred C. McClurg,
General Counsel,
Unemployment Compensation Division,
Department of Treasury of Indiana,
Indianapolis, Indiana.

Dear Sir:

In your letter of recent date, you requested an official opinion on two questions submitted therewith concerning the Indiana Unemployment Compensation Law.

Your letter outlines a situation in which a claimant for benefits under the law dies pending either delivery of a check or a favorable decision by an appeal tribunal. Your first question is as follows:

"Does the claimant have a vested right in such unpaid or uncashed amount that survives his death?"

In order to arrive at an answer to this question, it is essential to first determine the nature of the benefits paid under the authority of the Act, and this, in turn, requires an in-