grounds for such revocation. An examination of grounds provided make it clear that the purpose of the act is to prevent certain persons who act in a semi-fiduciary capacity from being allowed to put themselves in the position of doing unconscionable acts or engaging in shady transactions, that is to say, persons who receive money for the benefit of another or persons who act beyond the scope of their actual authority in acting for another in the sale or leasing of real estate.

In examining the plan and scheme of operation of Tenants Housing, it is clear that it performs merely the purpose of bringing together persons who might be interested in dealing with each other. It does not purport to deal for either on behalf of the other. It is merely an aid in procuring the meeting of minds of two persons who might be interested in a rental contract for real estate. Tenants Housing represents neither. It takes no part in the negotiation of any contract arising from this meeting. It performs the function traditionally performed by an advertising medium and for the purpose of licensure is in the same position as other advertising media. Thus, it is clearly without the scope intended by the Real Estate Licensure Act of Indiana.

Therefore, it is my opinion that Tenants Housing Service and its employees, as long as they confine themselves to their usual practices as outlined in your letter of request, are not required to be licensed, either as real estate brokers or real estate salesmen.

OFFICIAL OPINION NO. 94

October 19, 1951.

Honorable Edmund F. Makowski,
State Senator, Lake County,
State House,
Indianapolis, Indiana.

Dear Senator Makowski:

Your written request has been received requesting an official opinion on the following question:

"Will you please give me an official opinion as to the validity of Chapter 236, Acts of 1949. I under-
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stand there is a conflict in the title and the body of the Act."

Supplementing your letter, you also desire to know what effect the opinion will have upon the salaries of certain county officials of Lake County, Indiana.

The title of chapter 236 of the Acts of 1949 reads as follows:

"AN ACT to amend section 1 of an act entitled 'An Act to provide for the fixing of salaries and paying the expenses of certain officers in counties having a population of not less than two hundred thousand nor more than three hundred thousand according to the last preceding census, which such counties shall constitute a separate judicial circuit as now defined by law, the disposition of fees, the feeding of county prisoners by the sheriff, repealing all laws and parts of laws in conflict therewith, and fixing a time when the same shall take effect,' approved March 8, 1943."

Section 1 of said act as amended provides as follows:

"* * * That in counties having a population of not less than two hundred thousand nor more than four hundred thousand, according to the last preceding United States census, which such counties shall constitute a separate judicial circuit as now defined by law, the following named sums shall be the salaries of the respective officials named herein: The prosecuting attorney of such judicial circuit shall receive an annual salary of ten thousand dollars; the county auditor shall receive an annual salary of ten thousand dollars; the clerk of the circuit court shall receive an annual salary of ten thousand dollars; the county recorder shall receive an annual salary of seven thousand five hundred dollars; the county sheriff shall receive an annual salary of ten thousand dollars; the county treasurer shall receive an annual salary of ten thousand dollars; and each county commissioner shall receive an annual salary of six thousand dollars, payable from the county treasury in twelve equal installments on the last day of each month."
Said act was approved by the Governor on March 9, 1949, and under section 2 thereof the act declares an emergency and that the same be in full force and effect on and after March 15, 1949.

It is to be noted that under the title it is restricted to salaries and expenses of certain officers in counties having a population of not less than two hundred thousand nor more than three hundred thousand, according to the last preceding census. Under section 1 of the act as amended it provides that in counties having a population of not less than two hundred thousand nor more than four hundred thousand, according to the last preceding United States census, the same shall constitute a separate judicial circuit, and then makes provision for the respective officials' salaries. It is therefore clear that the title is a restrictive title and the body of the act attempts to make provisions for salaries of officers beyond those counties provided for in the restrictive title.

At the time said statute was enacted, the United States census for Lake County was within the population bracket between two hundred thousand and three hundred thousand. I am advised that the 1950 published official census for Lake County is 366,078, so it can be readily seen that the official census will exceed the three hundred thousand population mark.

Article 4, section 19, of the Constitution of Indiana provides as follows:

"Every act shall embrace but one subject and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act, which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title."

Under the specific provisions of article 4, section 19, of the Constitution of Indiana, an act is void only as to so much thereof as shall not be expressed in the title, thus leaving the body of the act valid to the extent its subject matter is covered by the title.

In the case of State ex rel. Milligan v. Ritter's Estate (1943), 221 Ind. 456, 468, 48 N. E. 993, the court, in ruling
on the validity of a statute concerning persons adjudged insane, said:

"** It is well settled that where titles are limited, provisions of the law not within the limitation are void under the Constitution, and it must be concluded that insofar as section one of the Act of 927 may have been designed as an implied repeal of chapter 72 of the Acts of 1917 it is void."

To the same effect see:

State v. Billings (1929), 202 Ind. 135, 137, 168 N. E. 453;

State v. Dorsey (1906), 167 Ind. 199, 204, 78 N. E. 843;

State ex rel. v. Board (1906), 166 Ind. 162, 198, 76 N. E. 986.

From the foregoing, I am of the opinion that the salaries of the various county officials referred to in section 1 of chapter 236 of the Acts of 1949, supra, were fixed by the above statute up to that time when said county ceased to be in the population classification of between two hundred thousand and three hundred thousand. It is therefore necessary to determine the effective date of such change of classification of Lake County, Indiana.

Under official opinions of this office, same being 1950 O. A. G. Official Opinion No. 38, 1951 Indiana O. A. G. Official Opinion No. 6, 1951 Indiana O. A. G. Official Opinion No. 12, and 1951 Indiana O. A. G. Official Opinion No. 84, it is held that the United States Decennial Census becomes effective as of the day when taken at the time when it is officially announced. The Official Opinion No. 6 of 1951, supra, specifically held that salaries of justices of the peace are increased or decreased due to a change in population as shown by the last decennial census as of April 1, 1950, when the census was taken.

I am therefore of the opinion that chapter 236 of the Acts of 1949 legally authorized salaries for the various county officials therein named to and including April 1, 1950, and that since said time their salaries are not authorized or governed by the provisions of said statute, chapter 105 of the
Acts of 1951 would legalize all payments made before March 1, 1951, but as to the period subsequent to that date, it would require remedial legislation, as well as a validating provision in the amending statute, to cause said act to be applicable to said officials' salaries.

OFFICIAL OPINION NO. 95

October 29, 1951.

Honorable Joseph McCord,
Director,
Department of Financial Institutions,
410 State House,
Indianapolis, Indiana.

Dear Sir:

I have your request for an official opinion which reads as follows:

"I have been instructed by the Members of the Department of Financial Institutions to ask for your official opinion relative to a question raised in connection with the provisions of Section 200 (18-1306) of the Indiana Financial Institutions Act as amended.

"Section 200 provides, among other things, that any bank or trust company may make loans, 'to any employee of such bank or trust company in any amount not exceeding in the aggregate, five hundred dollars ($500.00).'

"In a few instances banks and trust companies have employed individuals who, at the time of employment, have been liable for loans, both directly and indirectly, in these institutions, in amounts in excess of five hundred dollars ($500.00).

"It has been contended that since these individuals were not employees of the lending bank or trust company at the time credit was extended, the provisions of Section 200 of the Act do not apply in these cases.

"We would appreciate your opinion covering this matter."