

Section 5, Chapter 105, p. 491, Acts of 1937 (18-3117 Burns' 1933 R. S.). I find no authorization in that section to make a rule or regulation concerning the capital structure of a corporation applying for a certificate of authority and having less than the capital requirement which would entitle it to issue certificates of investment.

OFFICIAL OPINION NO. 83

August 8, 1945.

Hon. Ralph F. Gates, Governor,
State of Indiana,
State House,
Indianapolis 4, Indiana.

My dear Governor:

I have your letter of July 20, 1945, in which you ask the following question:

“There has been considerable dispute as to who has jurisdiction over the portraits of the governors which hang on the fourth floor of the state house.

“I would like to have an opinion from you as to who has jurisdiction.”

In answering your question it is necessary to refer to the legislative history of the laws concerning the portraits of the governors of the State of Indiana.

Section 5 of Chapter II of the Acts of 1869 (Spec. Sess.), which was the general appropriations act, provided as follows:

“That the Governor of State is hereby authorized to secure, as soon as practicable, a true and life-like likeness of each of the Governors of the State and Territory of Indiana, including the present incumbent, to be placed in the State Library, and for that purpose a sum not exceeding two hundred dollars each is hereby appropriated.”

The above statute was apparently the first one enacted concerning the governors' portraits and provided that they be

placed in the State Library. From that time until 1927 appropriations were made to the State Library for the purpose of procuring and paying for portraits of successive governors.

In the 1927 general appropriations act (Chapter 121, Acts 1927, p. 372) the appropriation for the governors' portraits was made to the Historical Bureau of the Indiana Library and Historical Department. Similar appropriations were made to said Historical Bureau in 1933, 1937, 1939, 1941 and 1945.

Acts 1933, Ch. 88, p. 609;
 Acts 1937, Ch. 114, p. 559;
 Acts 1939, Ch. 47, p. 259;
 Acts 1941, Ch. 172, p. 527;
 Acts 1945, Ch. 186.

Although there is no law expressly providing who shall have control and jurisdiction over the portraits of the governors, it is clear from the foregoing general appropriations statutes that the legislature intended that such portraits should be under the jurisdiction and control of the State Library, and now under the Historical Bureau of the Indiana Library and Historical Department. It is a settled rule of statutory construction that a uniform construction given to a statute by several subsequent legislatures is often persuasive of the legislative intent.

McClarnon v. State (1938), 215 Ind. 157, 162;
 Yarlott v. Brown (1922), 192 Ind. 648, 654.

By making regular appropriations since 1927 to the Historical Bureau of the Indiana Library and Historical Department for the procurement and payment of the portraits of the Governors of Indiana, it is my opinion that the legislature intended that such bureau should have the jurisdiction and control over said portraits.

I call your attention to a pamphlet written by Wilbur D. Peat, entitled "Portraits and Painters of the Governors of Indiana" 1800-1943, published in 1944 by the Indiana Historical Society which contains a very interesting and informative discussion of this matter. I am enclosing a copy for your examination.