missioner of Elections of Kansas City et al., reported in 128 Pac. 2d at 999. In the above case, referring to Section 1547, Title 42, U. S. C. A., supra, the Court held that the term "civil rights" should be construed as broad enough to include political rights based upon the provision of Section 1547, supra. The Court sustained the right to register for voting wherever the above section applied.

I call your attention also to Johnson v. Merrill, County Clerk, reported in 126 Pac. 2d 873, in which case the same conclusion was reached.

SECRETARY OF STATE: Construction of 1943 Act for the organization and reincorporation of churches with respect to voting rights of members, etc.

November 2, 1943.

Mr. Warren Day,
Chief Corporation Counsel,
Office of Secretary of State,
State House,
Indianapolis, Indiana.

Dear Mr. Day:

I have your letter of September 29 in which you request my official opinion upon several questions arising from Chapter 108 of the Acts of the 1943 General Assembly entitled: "An Act for the incorporation, organization and reincorporation of churches, religious societies and religious organizations." Your first question is:

"Do the members under said Act have voting rights?"

Undoubtedly the members of such a corporation do have voting rights which cannot in this opinion be specifically enumerated and delimited because those rights will necessarily depend to a great extent upon the articles of incorporation and by-laws. We do, however, know that certain voting rights are secured to the members by law. For instance, in Section 2
(25-1528 Burns’ 1933 Supplement) provision is made for the election of trustees by the organizing members. Subsequent trustees are undoubtedly elected by the members of the corporation since it cannot be presumed that trustees constitute a self-perpetuating body. Section 7 (25-1533 Burns’ 1933 Supplement) provides for the adoption of by-laws by the majority vote of the members, and Section 8 (25-1534 Burns’ 1933 Supplement) provides for change of corporate name and amendment of the articles by vote of the members. Incidentally, it will be noted that Section 7 (25-1533 Burns’ 1933 Supplement) vests in the members considerable discretionary authority in the adoption of by-laws and in delegation of power to the trustees of the corporation. It would thus follow that the number of things concerning which the members must vote depends upon the number of things the members wish to reserve to themselves in the by-laws.

Your second question is:

“In the event of dissolution are the members entitled to refund of any monies loaned or advanced to the corporation, plus interest, as provided in Section 26(a)(2) of the 1935 Not for Profit Act?”

Section 13 of the Act (25-1539 Burns’ 1933 Supplement) provides:

“Said corporation may proceed to effect a dissolution thereof in the manner and subject to the limitations, so far as the same shall be applicable, prescribed by section 26 of an Act of the General Assembly of Indiana known as ‘The Indiana General Not for Profit Corporation Act,’ approved March 7, 1935, being chapter 157 of the Act of 1935 of the General Assembly, at page 557.”

It is to be noted that the corporation should proceed to dissolve in the same manner and subject to the same limitations so far as the same shall be applicable as provided in the Indiana General Not for Profit Corporation Act. There is nothing in either Act to indicate that language should not be taken at its face value.

Section 26 of Chapter 157 of the Acts of 1935 (25-532 Burns’ 1933 Supplement), which is the Indiana General Not
for Profit Corporation Act, provides in part, after setting up a procedure for dissolution, that:

"* * * Any member of this corporation may receive the amount advanced or loaned to the corporation by him, together with simple interest at the rate of six (6) per cent per annum and no more; after which any member may receive an amount equal to the amount paid in by him as membership dues or otherwise, together with simple interest at the rate of six (6) per cent per annum and no more, none of which amounts shall be paid in whole or in part until all the creditors of the corporation shall have been paid in full. * * *"

Since that is a part of the manner of dissolution of such corporations and since it is equally applicable to churches, religious societies, and religious organizations, I am of the opinion that, in the case of the latter corporations, the payments to members should be made upon dissolution, as provided in the above statute, subject to the provision that creditors must be paid first and also subject to any rule, by-law or regulation of the particular congregation or religious sect involved.

Your third question is:

"Section 12 of said Act provides the fee of $5.00 for reorganization and reincorporation and for the issuance of the certificate thereof. The title of the Act does not mention fees. Is Section 12 valid?"

Again, repeating the title of the Act, it is as follows:

"An Act for the incorporation, organization and reincorporation of churches, religious societies and religious organizations."

It will be noted the title includes reincorporation. Section 19 of Article 4 of the Indiana Constitution provides:

"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."

That constitutional provision has had a uniform interpretation as stated in Herman v. Gransfield, 209 Ind. 697:

"Where the general subject of an act is expressed in the title, it is not necessary that the matters properly connected therewith shall be also expressed in the title. * * * It is not necessary that the title should contain a complete abstract of the contents of an act. If the title expresses the general purpose of the act, everything contained in the body of the act which is germane to such purpose or properly connected therewith as a means of making the act effective to accomplish the purpose is covered by the title."

In the above case, it was held that, although the title of the act did not expressly refer to the subject of service of process on non-residents in cases of motor vehicle accidents, the title which announced that the act had to do with the financial responsibility of owners and operators of motor vehicles for damages caused by the operation of motor vehicles on the public highways was sufficiently broad to cover a provision for such service.

One of the earlier cases involving corporation statutes is Chicago and Eastern Illinois Railroad Company v. The State ex rel., 153 Ind. 134. There the Court said:

"Besides, counsel are in error in assuming that matters connected with and growing out of the subject-matter of an act must be expressed in the title. If that were so it would make the title as interminable and detailed as the act itself. But it is only the subject that must be expressed in the title."

That case involved enforcement provisions of the act. See also Western Union Telegraph Company v. Braxton, 165 Ind. 165, in which the question was raised concerning penalty provisions of the act; and De Haven v. Municipal City of South Bend, 212 Ind. 194.
I am of the opinion that the fee provided is germane and incidental to the subject-matter of the act and that Section 12 is therefore valid.

The fourth question is:

“What is the amount of the incorporation, amendment and dissolution fee?”

As to the dissolution fee, we have already noted that dissolution of churches, religious societies, and religious organizations is to be governed, insofar as possible, by the Indiana General Not for Profit Corporation Act. The same provision is made for amendment by Section 8 of the Churches, Religious Societies and Religious Organizations Act. It (25-1534 Burns’ 1933 Supplement) provides:

"Any corporation subject to the provisions of this act, at any regular or special meeting of its members, after ten (10) days’ notice thereof in the manner prescribed by its by-laws, may change its corporate name; but the name so chosen shall not be assumed by it until a copy of the minutes of the meeting at which such change was adopted, so far as the same relates thereto, has been filed in the office of the secretary of state; which copy shall be verified by the clerk of such meeting. A verified copy of said minutes shall also be filed in the office of the recorder of the county wherein the corporation has its principal place of worship.

“Such corporation may amend its articles of incorporation without limitation as long as the articles of incorporation would have been authorized by this act as original articles. The amendment shall be according to the method, so far as applicable, provided by section 23 (Sec. 25-529) of an Act of the General Assembly of Indiana known as ‘The Indiana General Not for Profit Corporation Act,’ approved March 7, 1935, being chapter 157 of the Acts of the General Assembly of 1935 at page 557.”

No provision whatsoever is made for fee for filing articles of incorporation.
Consequently, as to amendment and dissolution, it is necessary to refer to The Indiana General Not for Profit Corporation Act. No specific provision is made in that Act for fees upon amendment of articles nor for dissolution except that, in each instance, the Act provides that triplicate copies of the amendment and of the articles of dissolution shall be filed with the Secretary of State "accompanied by the fees as required by law." It then becomes necessary to turn to Chapter 219 of the Acts of 1929, The Indiana Corporation Fee Act (25-602 Burns' 1933 Supplement). Subsection (g) of Section 2 of that Act, as amended by Section 1 of Chapter 88 of the Acts of 1939, provides a $5 fee for filing with the Secretary of State any certificate not specified. Articles of Dissolution and of Amendment are not specified in the Act. It is consequently my opinion that, as to amendment and dissolution, the fee for filing articles in each case should be $5. Subsection (f) of Section 2 of Chapter 219 of the Acts of 1929, as amended by Section 1 of Chapter 88 of the Acts of 1935 (25-602 Burns' 1933 Supplement), The Indiana Corporation Fee Act, provides a $5 fee for filing with the Secretary of State articles of incorporation of a domestic corporation not for profit. Section 1 of that Act defines a domestic corporation not for profit as "any corporation organized under the laws of the State of Indiana having no capital stock." I am of the opinion that that definition is sufficiently broad to cover the incorporation of churches, religious societies, and religious organizations as provided in the 1943 Act and that the fee for filing articles of incorporation is therefore $5.

Your fifth question is:

"Does Section 3 of the 1935 Domestic Not for Profit Corporation Act prohibit a church, by reason of the Act above referred to, from incorporating under the 1935 Act after the above Act has become effective?"

Section 3 of Chapter 157 of the Acts of 1935 (25-509 Burns' 1933 Supplement) provides:

"Corporations may be organized or reorganized for not for profit under this act for any lawful purpose or purposes, if no other act is available which specifically provides for the incorporation of a corporation for the
purposes sought to be accomplished by the incorpora-
tors.”

The intent of the Act is therefore apparent to provide in a
general act for any purpose not specifically covered by another
incorporation act. Since specific provision is made for the
incorporation of churches, religious societies and organiza-
tions by the 1943 Act, I am of the opinion that, by the express
terms of The Indiana General Not for Profit Corporation Act,
churches, religious societies and religious organizations can no
longer be organized thereunder.

DEPARTMENT OF PUBLIC WELFARE: Authority of the
Governor to transfer an inmate of the Muscatatuck State
School to the Indiana Reformatory.

November 4, 1943.

Hon. T. A. Gottschalk, Administrator,
Department of Public Welfare,
141 South Meridian Street,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your letter dated October
28th, 1943, in which you ask my official opinion regarding the
following specific question:

"Does the Governor of the State of Indiana have the
authority and power to cause the transfer of an inmate of the Muscatatuck State School to the Indiana Re-
formatory where the Superintendent of the Musca-
tuck State School has determined that such inmate is
incorrigible and potentially a menace to the welfare
and safety of others in the event of escape from the
school?"

In 1917 the Legislature of Indiana enacted Chapter 154,
Acts 1917, which is Burns’ R. S. 1933, Section 22-301. This
Act has the following title:

"An act authorizing the transfer of inmates of state
institutions to other institutions."