clause (L), supra; that said Section of the statute as so construed, would only prevent a dentist from doing those things therein prohibited.

I am also of the opinion, that Section 63-518, Burns’ 1943 Supplement, as above construed, is constitutional.

SECRETARY OF STATE: Duty of Secretary of State in supplying extra copies of the Acts of the Indiana General Assembly.

November 5, 1943.

Hon. Rue J. Alexander,
Secretary of State,
State House,
Indianapolis, Indiana.

Dear Mr. Alexander:

This will acknowledge receipt of your letter dated October 29, 1943, requesting my opinion concerning your duty as Secretary of State to supply additional copies of the 1943 Acts to the various clerks of the Circuit Courts of the State of Indiana. Your letter states that due to a small vote in the 1942 General Election, most clerks will receive about two-thirds of the number of copies they received in 1941.

The following are the applicable sections of the Indiana statutes which govern and control the distribution of free copies of the printed Acts of each General Assembly.

Burns’ R. S. 1943, Pocket Supplement, Section 49-1612, which is Section 1, Chapter 39, Acts 1935, reads as follows:

“(a) The secretary of state shall distribute the acts of each session of the general assembly to the clerk of the circuit court of each county within the state of Indiana. The number so distributed shall be based upon the total vote of each county, respectively, for secretary of state cast at the last preceding general election, and shall be as follows, to wit: Ten (10) copies of the session acts for each one thousand (1,000) votes cast, excluding fractions of thousands, in each county.
"The copies of the acts of each session of the general assembly shall be distributed in the following order, and each officer hereinafter designated shall receive, at such distribution, the number of copies fixed by law:

"First, to the members of the senate and house of representatives.

"Second, to the several state officers entitled thereunto, including the judges of the Supreme and Appellate Courts.

"Third, to the judge of each circuit, superior, criminal, probate, juvenile and municipal court.

"Fourth, to the clerk of the circuit court of each county as prescribed in subsection (a) of this section.

"Fifth, to such other officers, institutions, departments, states and territories as are entitled by law to receive copies.

"In no event shall copies of the acts of any session of the general assembly be sold or given away, prior to the official distribution of such acts, as provided herein, by any person other than the secretary of state, and by the secretary of state only as provided in this act."

Section 49-1612a, which is Section 2 of Chapter 39, Acts 1935, reads as follows:

"At the end of six (6) months from the date of receipt of such acts by the county clerk, if any of such acts be not distributed by said clerk, such undistributed acts shall be returned to the secretary of state where the same may be distributed on requisition to any person entitled thereto."

Section 49-1614, which is Section 1 of Chapter 36, Acts 1935, reads as follows:

"The secretary of state shall distribute additional copies of the acts as follows, to wit:

"To the state officers and their deputies, one (1) copy each;

"To the judges of the Supreme and Appellate Courts, one (1) copy each;

"To the United States judges, district attorneys for the state of Indiana, and the clerks of the United
States district and circuit courts for the state of Indiana, one (1) copy each;

"To the benevolent, penal and educational institutions of the state, two (2) copies each;

"To the several states and territories of the United States, such number of copies, not exceeding three (3), as may be received from each of them respectively;

"To the members and the secretary of the state board of agriculture, one (1) copy each;

"To the members of the senate and house of representatives, five (5) copies each;

"To the secretary and assistant secretary of the senate, to the principal clerk and assistant clerk of the house, and to the principal doorkeeper of each house, one (1) copy each;

"To the state librarian, one hundred and fifty (150) copies to be preserved for the use of the members of the next succeeding general assembly;

"To the legislative bureau such number of copies of the session laws of the general assembly as may be needed by the bureau either to supply its own needs or to exchange for the session laws of other states;

"To the Indiana University School of Law such number of copies of the session laws of the general assembly as may be needed by the school of law either to supply its own needs or to exchange for the session laws of other states; and

"Twenty (20) additional copies to the state librarian to be preserved in the state library for the use of the state of Indiana.

"After the secretary shall have made the distribution required by this act, all copies of the acts remaining shall be deposited in the office of the secretary of state, which copies may be sold at a reasonable price by the secretary, when called for, the amount for which they may be sold to be placed in the state treasury."

These are all of the applicable statutes relating to the duties of the Secretary of State with reference to the distribution of the Acts of the General Assembly, with the excep-
tion of Burns' R. S. 1933, Section 49-1607, which prescribes the total number of copies of the Acts which it shall be the duty of the Secretary of State to have printed. Burns' R. S. 1933, Section 49-1613, defines the duty of the county clerk relative to the distribution of the Acts which are sent to his office by the Secretary of State and reads as follows:

"It is hereby made the duty of each county clerk, upon delivery to him of the acts consigned, to send to the secretary of state, by first mail, a statement, under the seal of his office, showing his receipt for said acts; and it is made the further duty of the county clerk to distribute the acts received by him, as follows, to wit: To each judge of the city, circuit or superior court, one (1) copy; to the prosecuting attorney and each city attorney, and each city clerk for the use of the common council, one (1) copy; to each newspaper published in said county, one (1) copy; to each university, college, township or other public library, one (1) copy; to each county officer and to each justice of the peace, one (1) copy; to each township trustee and to each town or city school trustee, one (1) copy; the residue of such copies to be distributed by the clerk upon application."

This section of the statute is the only applicable section which defines the number of free copies of the Acts which may be distributed by the county clerk and under the provisions of this Act it is his duty to distribute the Acts received by him from the Secretary of State to each of the various persons entitled to a copy under the provisions of said section, before distributing any copies of the Acts to any person not mentioned in the section, and after the persons mentioned in said section have been supplied with a copy of the Act the clerk may then distribute the balance, if any, to any person applying therefor.

It is the duty of the Secretary of State to provide the county clerks with a sufficient number of copies of the 1943 General Assembly Acts, so that the clerk will be able to supply each of the persons mentioned in Section 49-1613, supra, with a copy of said Acts.
It will be observed from the reading of the italicized language contained in Section 49-1614, supra, that all copies of the Acts remaining after distribution as provided for in the various sections may be sold at a reasonable price by the Secretary of State.

Therefore, it is my opinion that it is the duty of the Secretary of State to distribute the copies of the printed Acts of the 1943 General Assembly to the various county clerks of the state as provided for by the above quoted sections of the statutes, and it is the duty of the clerk to distribute the Acts strictly in accordance with the provisions of Section 49-1613, and thereafter any person who may desire a copy of the Acts may obtain the same from the Secretary of State by paying therefor the price fixed and designated by the Secretary of State in the event the copies distributed by the Secretary of State to the various county clerks have been exhausted.

DEPARTMENT OF FINANCIAL INSTITUTIONS: Appraisal of real estate for loan purposes by financial institutions.

November 17, 1943.

Department of Financial Institutions,
State House,
Indianapolis, Indiana.

Gentlemen:

I have your letter of November 3 in which you make inquiry concerning the interpretation of Subsection (c) of Section 9 of Chapter 181 of the Acts of 1935 (18-3109 Burns' 1940 Replacement). The subsection involved reads as follows:

"No such company shall make or discount any loan or other obligation secured by a mortgage upon real estate:

"* * *

"(c) Unless the amount or unpaid principal balance of such mortgage does not exceed sixty (60) per cent of the fair cash value of such real estate as determined by the verified written appraisal of two (2) or more competent and disinterested persons, which,