

However, as already pointed out, the contemporaneous assignment to the company of the dividend coupons for the purpose of applying same to the payment of the installments due on insured's note, and especially in view of the statement in your letter that no stock is issued until the initial policy premium has been paid, are, in my opinion, sufficient to show such a *connection* between the sale of the stock and the sale of the insurance as is prohibited by Section 163 *supra*.

I think your fourth and fifth questions should be answered in the affirmative. The fourth question, being answered in the affirmative, the sixth question requires no answer.

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**HOUSING BOARD, STATE: Whether commissioner of city housing authority may reside outside city but within authority.**

February 20, 1940.

Mr. Walter B. Stanton,  
Executive Secretary,  
State Housing Board of Indiana,  
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of February 17, 1940, wherein you ask the following question concerning the Housing Authorities Act of 1937:

“Would you please give us your official opinion as to whether Chapter 207, Section 3, sub-section (g) and Section 5, lines 2 to 5 inclusive, permit the appointment of a commissioner to a city housing authority, who resides outside the corporate limits of the city proper but within the five-mile area included in the city's housing authority's 'area of operation.'”

The provisions of Section 3, sub-section (g) of Chapter 207, Acts of 1937, provide for and define the area of operation of a housing authority as follows:

“(g) Area of Operation: (1) In the case of a housing authority of a city or town shall include such

city or town and the area within five miles of the territorial boundaries thereof: Provided, however, That the area of operation of a housing authority of any city or town shall not include any area which lies within the territorial boundaries of some other city as herein defined; (2) In the case of a housing authority of a county, shall include all of the county except that portion which lies within the territorial boundaries of any city or town as herein defined."

By a reading of the foregoing provisions it is clear that the legislature intended that housing authorities for towns and cities should include the city and town and the surrounding area of five miles. This section fixes the geographical boundaries of the authority, and this once being established by proper enabling ordinance pursuant to section 4 of the act it is apparent that such authority shall have conferred upon it the powers and duties established by the statute. The Authority established thereby is more than a mere administrative body. It is a body politic endowed with geographic boundary and the attributes commonly possessed by political entities of such towns or cities.

Section 2, Chapter 207, Acts of 1937;

Edwards v. Housing Authority of Muncie, 19 N. E. (2d) 741.

This being the case, it is my opinion that the commissioners of the authority established are local officers and must be appointed in compliance with Article 6, Section 6, of the Constitution of Indiana, which provides:

"6. Residence of local officers.—All county, township, and town officers shall reside within their respective counties, townships, and towns; and shall keep their respective offices at such places therein, and perform such duties, as may be directed by law."

This constitutional provision being controlling, it follows that all commissioners of an authority must be appointed from the geographic confines of the authority. Though the statute is silent on whether they must reside within the city or town which may comprise the center of the area, it does give the authority, once established, powers over the entire area re-

ardless of city or town lines. Therefore, in view of the nature of the political entity hereby established, it is my opinion that any person residing within the area is qualified to serve as a commissioner, regardless of whether he is a resident of a city or town which may comprise a part of the authority.

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**TAX COMMISSIONERS, STATE BOARD OF: Delinquent Barrett and drainage assessments may be included in tax sale; real estate not relieved of assessment if tax sale price does not equal or exceed amount; personal property tax delinquency may be included or real estate.**

February 20, 1940.

Hon. Philip Zoercher, Chairman,  
State Board of Tax Commissioners,  
State House,  
Indianapolis, Indiana.

Dear Mr. Zoercher:

I have your letter of February 15, in which you ask the following questions:

“Question 1: Should delinquent Barrett Law assessments and delinquent drainage law assessments be included in a tax sale to the highest bidder as provided for in Section 64-1516 and 64-2206 of Burns’ 1933 Statutes?”

This question is answered in the affirmative pursuant to part of Section 2, Chapter 317, Acts 1935, which is as follows:

“And the county auditor, in making out the list of lands and lots in such city or town returned and remaining delinquent for state, county, township, road, city, school, and other taxes, which he is required by law to make between the first Monday of November and the first day of January of each year shall enter therein against the name of each person remaining delinquent on account of state, county, township, road, city, school and other taxes, for which said lands are liable, and the amount of such delinquent special