
But the law as stated in those decisions is based upon grounds which do not enter into this Madison bridge question. I am therefore of the opinion that the State of Indiana has not lost its lien upon that part of the Madison-Milton bridge located within the State of Indiana because of its transfer to the Commonwealth of Kentucky.

Your second question raises a problem of policy and of legal procedure. The fact that the State has a lien upon the property in Indiana, given it by statute, does not mean that the enforcement of this lien would exhaust all the methods of collecting the tax. If there are any assets belonging to the Madison Bridge Company they may be pursued. However, I am of the opinion that the lien still holds and should be enforced like any other tax lien on real estate by following out the statute, and if the sale of that part of the bridge in Indiana does not result in a collection of all of the tax, any appropriate proceedings may be had in court to enforce payment.

INSURANCE, DEPARTMENT OF: Public property, whether legally insurable in mutual companies.

October 18, 1939.

Hon. Geo. H. Newbauer,
Insurance Commissioner,
Department of Insurance,
Indianapolis, Indiana.

Dear Sir:

Your letter of October 3 requests an opinion upon the question as to whether public officials may legally insure public property in mutual insurance companies.

Enclosures with your letter furnish an account of the opinion of the Attorney General of Texas which holds that public property can not be insured by mutual companies, such opinion being based upon the constitutional provision of Texas, that "the legislature shall have no power to authorize any county, city, town or political corporation or subdivision of this state to lend its credit or to grant public money or thing of value
in aid of or to any individual, association or corporation what-
soever, or to become a stockholder in such corporation, associa-
tion or company."

Somewhat similar provisions appear in the Indiana Con-
stitution but they are not as broad in their scope or to the
same effect as the Texas provision, and it is my opinion that
a like prohibition does not exist against public officials in
Indiana.

Two opinions of former attorney generals of Indiana, one
by Attorney General U. S. Lesh, of January 17, 1922, and a
second by Attorney General James M. Ogden, of April 24,
1931, I believe are correct in their conclusions that public
property may be insured in this State by mutual companies.

INSURANCE, DEPARTMENT OF: Insurance company or-
organized under Act of 1897, right to amend charter.

October 19, 1939.

Hon. George H. Newbauer,
Insurance Commissioner,
Department of Insurance,
State House,
Indianapolis, Indiana.

Dear Sir:

Your letter of September 29th requests an opinion from
me as to whether an insurance company organized and operat-
ing under chapter 195, of the Acts of 1897, may amend its
charter, no provision having been made in that Act, which
relates to assessment insurance companies, for the amendment
of a charter.

My aswer to your question is in the negative. Neither the
Act in question nor the provisions of any subsequent law per-
taining to insurance or insurance companies grants any right
or power of amendment of a charter of an assessment com-
pany, and this would seem to be conclusive in the matter.