standing policies of the Indiana company taken over by the Texas company.

Upon the foregoing facts, and the statutory provisions of both Indiana and Texas applying thereto, it seems quite clear, in answer to your two questions, that it would be lawful and proper for the Insurance Commissioner of Indiana to transfer the deposits in question to the Texas commissioner, that the present policy holders of the Indiana company would continue to be protected as contemplated by section 128 of the Indiana Insurance Law by the transfer of such reserve deposit, and that the Indiana Insurance Commissioner would be relieved from any further duty or responsibility to the Indiana policy holders, provided, of course, that all proper legal steps were taken in connection with the entire transaction of such reinsurance and transfer.

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CLARK MEMORIAL COMMISSION: Authorities and powers of Department of Conservation upon taking over control and maintenance of.

December 7, 1939.

Mr. Christopher B. Coleman,
Member George Rogers Clark Memorial Commission,
140 North Senate Avenue,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter as follows:

“As a member of the George Rogers Clark Memorial Commission of Indiana, I write for an opinion concerning the powers and rights of the Department of Conservation if and when the George Rogers Clark memorial at Vincennes is turned over to it. The Act which created the commission and under which it operates (Acts 1927, chapter 22, pp. 57-70) provides in section 32 that:

“When the George Rogers Clark memorial shall have been finally completed and when any celebration which may be arranged for in connection therewith shall have been concluded, the governor, on request of the commission, shall issue an order declaring the commission dissolved, and thereupon the custody, manage-
ment and maintenance of such memorial shall be turned over to and shall be vested in the Department of Conservation, and the Department of Conservation shall thereafter have the custody, management and maintenance of such memorial in the same manner and subject to the same laws of this State and the rules and regulations of the Department of Conservation issued thereunder, applying to state parks.'

"Specifically: (1) Would the Department of Conservation inherit all the powers granted under the Act to the George Rogers Clark Memorial Commission? (2) Would any or all of the unexpended funds of the commission be available to the Department of Conservation for all the purposes for which the commission has authority to use them? (3) The State Act referred to in section 23 provides that the State of Indiana and the commission are authorized and directed to accept appropriations from the government of the United States and to expend them in compliance with the Act of Congress making such an appropriation.

"Such appropriations were made and conditions imposed by the Act of the Seventieth Congress, May, 1928, creating the federal George Rogers Clark Sesquicentennial Commission of the United States. One of the provisions of this Act was that no admission fee could be charged. The federal commission, in fact, assumed the entire task of erecting the memorial; no federal money was given to the State of Indiana or to the George Rogers Clark Memorial Commission of Indiana; but the federal commission expended the federal appropriations made for the memorial. The federal commission expired June 30, 1931, and under the terms of the federal Act the entire memorial was given to the State of Indiana, the George Rogers Clark Memorial Commission of Indiana assuming entire control. It is assumed that the Department of Conservation would be governed by the provisions of the federal Act. The question is whether the participation of the federal government in the memorial and the provision of the federal law supersede the provision that 'the Department of Conservation shall thereafter have the custody, management and maintenance of such memorial in the
same manner and subject to the same laws of this State * * * applying to state parks,' and how far this provision in the State law is nullified.”

In answer to your first question, it is my opinion that upon the dissolution of the George Rogers Clark Memorial Commission, the Department of Conservation would not inherit the powers granted the George Rogers Clark Memorial Commission under Acts of the Indiana legislature for the year 1927, chapter 22.

In answer to your second question, Sec. 60-304, Burns Indiana Statutes, 1933, reads as follows:

“‘Trust funds’ defined.—The term ‘trust funds’ for the purposes of this Act is defined to mean the following funds: School revenue for tuition fund, teachers’ retirement fund, Purdue trust fund, Indiana University permanent endowment fund, common school principal fund, World War Memorial fund, George Rogers Clark memorial fund, library building fund, unclaimed estates fund, State sinking trust fund for public deposits, and the funds received from the federal government for the construction of highways. (Acts 1933, ch. 137, Sec. 4, p. 762.)”

The above section makes the fund of the George Rogers Clark memorial trust funds, therefore, it is my opinion that said trust funds will follow the trust and will be available to the Department of Conservation for the purpose of maintaining the memorial upon the dissolution of the George Rogers Clark Memorial Commission.

In answer to your third question, section 7, chapter 722, of the Acts of the Seventieth Congress of the United States, reads as follows:

“Sec. 7. No fee or charges of any character shall be imposed or made for admission to the said memorial or the grounds on which it may stand after the memorial shall have been completed and accepted by the commission.”

It is my opinion that the acceptance by the George Rogers Clark Memorial Commission of said memorial building, in behalf of the State of Indiana under the provisions of chapter 722 of the Acts of the Seventieth Congress of the United
States, said memorial was accepted with the restrictions of the above provision and the above provision supersedes any law of the State of Indiana that may be in conflict therewith. In other words, it is my opinion that the State of Indiana can never make a charge for admission to the said memorial or the grounds on which it stands.

ALCOHOLIC BEVERAGES COMMISSION: Sale of liquor on New Year's Day prohibited.

Mr. Hugh A. Barnhart,
Excise Administrator,
Alcoholic Beverages Division,
State House,
Indianapolis, Indiana.

December 12, 1939.

Dear Sir:

I have before me your letter of December 11, 1939, addressed to the Attorney General, which reads as follows:

"The legal representative of the Anti-Saloon League has brought it to our attention that section 5, paragraph M, (page 12), of Enrolled Act No. 166, copy of which is attached, is interpreted by them to provide that there should be no sale of alcoholic beverages on New Year's Day Monday, January 1). They base this upon the line which reads 'until one o'clock in the morning of New Year's Day, and shall not be resumed until six o'clock the next morning, Central Standard Time, of said day.' They maintain that the legal interpretation of this line is that there should be no sale until the day after New Year's Day, which would be January 2.

"The commission had in mind that what the legislature intended was that there should be selling on New Year's Eve and that the sale should not be resumed until the next day after New Year's Eve. ** **."

The above request calls for an interpretation of section 12-913, Burns Annotated Indiana Statutes, Cumulative Pocket Supplement, June 1939, which reads as follows:

"On Sundays and on Christmas Day the sale of alcoholic beverages shall be unlawful from one o'clock in