are distributors for the Bartles-Maguire Oil Company and that their purchases are made in large quantities to take advantage of market conditions rather than for immediate retail sale. These statements indicate that they are wholesalers and jobbers of gasoline and as such, they would come directly under the provisions of the motor vehicle fuel tax law as amended at the recent session of the general assembly. The new law puts all dealers on the purchase plan so far as gasoline is concerned and there is no exception in the law which would justify you in granting this request to them.

On such motor vehicle fuels as are blended in their plant and which come under the classification of "motor vehicle fuels other than gasoline," there is a provision in the new law covering this situation, but I can see no reason or authority for making a special exception in their case with regard to gasoline merely because they purchase the same in large quantities and carry a large stock on hand.

INSURANCE COMMISSIONER: Amount of initial deposit required of domestic mutual legal reserve life insurance companies as provided by law.

April 3, 1933.

Hon. Harry McClain,
Commissioner of Insurance,
Indianapolis, Indiana.

Dear Sir:

I have before me the request of March 31, 1933, of your predecessor for an opinion as to the amount of the initial deposit required of domestic mutual legal reserve life insurance companies as provided in section 8923 of Burns Annotated Indiana Statutes of 1926.

Said section is as follows:

> "Companies organized under this act upon the mutual plan, shall, before using (issuing) any policies, have actual applications on at least two hundred and fifty individual lives, for an amount of not less than one thousand dollars each, a list of which applications, giving the name, age, residence, amount of insurance and annual premium of each applicant, shall be filed with the auditor of state, and a deposit made with

said auditor of an amount equal to three-fifths of the first annual premium on said applications, and not less than twenty-five thousand dollars in securities required by the last preceding section and, on compliance with said provisions, the auditor of state shall issue to said company a certificate authorizing said company to do business."

You inquire whether the "three-fifths of the first annual premium" on the required preliminary applications is in addition to the twenty-five thousand dollars. I do not think so. I think the section requires the deposit in certain designated securities of an amount equal to three-fifths of the first annual premium on the preliminary applications, subject, however, to the further provision that such deposit must be at least twenty-five thousand dollars. Such a construction has the effect of making the initial deposit of a mutual company conform in amount with the initial deposit required by the next preceding section in the case of a stock company, which, I think, is the clear legislative intent.

GOVERNOR: Investigators of poor—employment of same by township trustee; number provided by law and salary of each.

April 3, 1933.

Hon. Wayne Coy, Executive Secretary,
Governor's Commission on Unemployment Relief,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter requesting an interpretation of certain provisions of Chapter 158 of the Acts of 1933, entitled "An Act authorizing township trustees to employ investigators of the poor and other necessary employees and pay their compensation out of the township poor fund on legal requisitions approved by the board of county commissioners, and declaring an emergency." Acts of 1933, page 822.

Section one of the above act provides in part as follows:

"The township trustee of each township in this state, in his ex officio capacity as overseer of the poor within his township, shall have authority to employ investigators and other assistants in discharging his duties