avoid conflict. Moreover, statutes bearing on the same subject should be construed together, so as to provide a consistent body of law on that subject. They should be so construed as to give effect to every part thereof, if possible, and so as to allow the same to be effective in their entirety. If this can not be done, then only so much as can not be given effect upon any reasonable interpretation must fall.

Upon the theory of irreconcilable conflict between these two acts, if Chapter 237, supra, be held to prevail, then for all practical purposes Chapter 203 in its entirety fails. On the other hand if Chapter 237 be construed as above indicated so as to permit Chapter 203 to operate, it may be considered, perhaps, as modifying the strict letter of said Chapter 237 as applied to poor relief but otherwise said act is untouched. Upon the latter basis, I think both acts may stand and the true legislative intent be made effective.

INSURANCE COMMISSIONER: Right of commissioner to examine into affairs of agency corporation acting as general agent for life insurance company.

April 18, 1933.

Hon. Harry E. McClain,
Commissioner of Insurance,
State House,
Indianapolis, Indiana.

Dear Sir:

Replying to your letter of April 13, 1933, requesting an opinion upon the right of the Commissioner of Insurance to examine into the affairs of an agency corporation acting as general agent for a life insurance company under the provisions of an act of the General Assembly of the state of Indiana entitled "An Act to examine into insurance corporations, prescribing the duties of the Auditor of State in connection therewith, repealing all laws and parts of laws in conflict therewith, and declaring an emergency," approved March 6, 1913 (Acts of 1913, page 271), I desire to advise as follows:

The body of the law contains the provision that "it shall be the duty of the Auditor of State to see that all the laws of this state respecting insurance companies and the agents there-
of are faithfully executed, and for that purpose he shall make examinations of insurance companies, or may authorize or empower any other suitable person or persons to make such examinations, home or foreign, whenever he determines it to be necessary or expedient.” The body of the act further provides that “for the purpose of such examinations, he, or his examiners, shall have free access to all the books and papers of such company which relate to its business, and to the books and papers kept by any of its agents.”

Certainly, the language of the act is sufficient to authorize the Commissioner of Insurance, to whom has been transferred all of the duties of the Auditor of State with respect to insurance, to examine the books and papers of an insurance agency corporation for the purpose of determining whether the laws of this state respecting insurance companies and their agencies are being faithfully executed.

The question, however, has arisen upon the title to this act, as to whether such title is sufficient to include the power and authority to examine the books and papers of the agent of an insurance company.

In the instant case to which your letter refers, it is to be noted that this corporation is a company for the purpose of dealing in insurance of an insurance company organized under the laws of the State of Indiana, as the general agent of such parent company. The title of the act in question declares it to be an act to examine into insurance corporations. A company which is incorporated and which is engaged in the insurance business as a general agent of another insurance company, is certainly an insurance corporation. It is a general principle that an effort shall be made to reconcile the title of an act with the body thereof, and the inclination of the courts of Indiana has always been to follow a somewhat liberal rule with reference to the titles of acts of the legislature, and in every case resolve the doubts in favor of the validity of the act, when a doubt exists.

In the case of State, ex. rel. McCarty v. The Board of Commissioners of Montgomery County, 26 Ind. 522, the court, on page 525, uses this language:

"Where a matter is so closely connected with the subject of the act as to create a doubt whether it be not included within the subject, we will not seriously con-
sider the question whether the legislative action upon it violates the constitutional prohibition.”

Again in the case of State, ex rel. Western Construction Company v. Board of Commissioners of the County of Clinton, 166 Ind. 162, the court, on page 197, uses this language:

“Where the title relates to a subject which is broad enough to make it possible to comprehend different matters which might or might not be included in the subject as a means to a given end, the disposition of the courts is to solve doubtful questions as to the relation of a particular matter to the subject in favor of the legislation.”

Hence, if there should be any doubt as to whether the title of this act is sufficient to include the right of the Commissioner of Insurance (formerly the Auditor of State) to examine into the affairs of the agency corporation, under this rule of law such doubt would be resolved in favor of the validity of the act rather than against it.

There is, however, a much better reason for believing that the provisions of this act are fully covered by the title to it. The Supreme Court of the State of Indiana has held many times over that the title to an act will sufficiently conform to the commands of the Constitution if it be so framed and worded as fairly to apprise the legislators and the public in general of the subject matter of the legislation, so as reasonably to lead to an inquiry into the body of the bill, and that it is not necessary that all matters properly connected with the subject matter shall be expressed in the title.

It is elementary and fundamental and involved in the very name, that agency exists only to enable the principal to execute his will through another, the agent. Such agent is a part of and an adjunct to the principal and derives his authority and power to act from the principal. Any act or acts which he performs are the acts of the principal to the same extent as if the principal itself had performed them. This is particularly true in the case of agents of an insurance company and it has been held by our courts in a number of cases that the agent of an insurance company is its representative and acts for and on behalf of it, binding it by such contracts as may be made by such agent within the scope of his osten-
sible authority.
The records which such agent keeps in connection with his said agency are the records of the business of his principal, kept in the form and in the manner prescribed by the principal and having to do in their entirety with the business of such principal. The agency plant or organization of an insurance company is as important a part of the business of such company in its way as is the management of the home office of such company. Each is necessary to the proper conduct of the business of the insurance company and is an essential part of the business as a whole.

Such being the case, it is my opinion that the provision in the title of this act for the examination into the various departments of such corporations would include their various agencies wherever located in the State of Indiana, and that it is no more necessary to expressly mention agents in the title than it is to mention all of the various departments in the home and/or branch offices of the insurance company issuing the policies.

In view of the foregoing, it is my opinion that the title of the act is sufficiently general and comprehensive to include such portions of the act as provide for the examination of the books and papers kept by agents of an insurance corporation which relate to the business of such corporation.

ACCOUNTS, STATE BOARD OF: Concerning Chapters 203 and 237 of Acts of 1933. Questions fully covered by opinion to Hon. Wayne Coy under date of April 18, 1933.

April 19, 1933.

Hon. William Cosgrove,
State Examiner,
Indianapolis, Indiana.

Dear Sir:

I have before me the request of your predecessor for an official opinion with reference to Chapters 203 and 237 of the Acts of 1933.

The questions submitted by you are fully covered by an opinion to Hon. Wayne Coy, Under Secretary to the Governor, under date of April 18, 1933, a copy of which is enclosed herewith for your information.