It is a matter of personal knowledge, particularly as to the two bodies of water cited as illustrations, and generally as to all bodies of water created by the damming of streams, that while at many points the natural channel banks of the stream are submerged by the water impounded, still the body of water generally follows the meanderings of the original river bed and maintains a “substantially single course throughout.”

In New Hampshire, it is said: “The fact that a river swells out in broad pond-like sheets does not make that a lake which would otherwise be a river.” (14 N. H. 477; my italics.)

The answer to your question, of course, depends upon the language used in each specific act under consideration, and the object sought to be achieved by the legislation. But, in the absence of a clear showing to the contrary, it is my opinion that the word “lake” should be presumed to have been used by the legislature in its natural and generic sense, and that so-called “lakes” produced by unnatural means were not intended to be included.


September 22, 1933.

Hon. Wayne Coy,

Under Secretary to the Governor,

Indianapolis, Indiana.

Dear Sir:

I have before me your letter inclosing copy of “Points of Agreement between the Indiana Historical Society and the Indiana State Library and Historical Board Relating to the William Henry Smith Memorial Library.”

This copy purports to have been executed by “the Indiana Library and Historical Board” and “Executive Committee of the Indiana Historical Society” under date of June 12, 1931. You request an opinion as to what board or commission representing the state is authorized to enter into this agreement with The Indiana Historical Society.

I call your attention to the fact that by act approved March 6, 1925, there was created and established a department of
the state government known as the "Indiana Library and Historical Department." The management and control of this department is vested by said act in a board which is known as the "Indiana library and historical board." The act sets out in detail the powers and duties of this board. Without going into an analysis of these powers, I desire to say that I do not find anything in the act which would expressly authorize such board to enter into the agreement, a copy of which you enclose. The nearest approach to such power is found in section 12 of the act, which makes it the duty of the historical bureau of the Indiana library and historical department, among other things, "to promote the study of Indiana history in cooperation with the Indiana Historical Society"

* * *


The custody, management and maintenance of the state library and historical building, upon its completion, is to be turned over to the board of public buildings and property, who shall thereafter have the custody, management and maintenance of such state library and historical building "in the same manner and subject to the laws of this state governing the custody, management and maintenance of the state house."

Acts of 1933, page 697. The duties and functions of this board by executive order now rests with the department of public works.

The departments above named, I think, are the only ones which have any authority with respect to the subject matter of the agreement enclosed with your letter. Certain paragraphs of the proposed agreement certainly have to do with the management of the building, and for that reason and on that account, I think the signatures of the board of public buildings and property and the department of public works is necessary.

Other parts of the agreement have to do with library management, and to that extent falls within the purview of the duties of the Indiana library and historical board. For that reason said board should also sign the agreement.