refer to as the State, has the right to select the agent or agents to write the insurance on trusteed armories. The insurance company or companies must be ones that the Peoples State Bank will approve. The Bank also, in my opinion, has the right to determine the amount of insurance reasonably necessary to protect the outstanding bonded indebtedness against the property which the Bank holds as trustee. Over and above this amount, the Bank would have no interest in the insurance. The interest thereafter would rest with the trustees and the Armory Board.

TEACHERS’ RETIREMENT FUND BOARD: Whether Board may buy titles to real estate upon default in mortgages owned by it in lieu of foreclosure.

January 28, 1936.

Mr. O. W. Nicely, President,
Indiana State Teachers’
Retirement Fund Board,
Indianapolis, Indiana.

Dear Sir:

I have before me your request for an opinion upon the subject of whether the Board is authorized to pay nominal sums out of its funds to secure title to real estate upon which it holds a mortgage in default in lieu of foreclosing the mortgage.

The Board is limited in the investment of its funds by section 28-4508 of Burns Indiana Statutes Annotated (1933) to investments “in interest bearing securities of the United States; or of any state or territorial possession of the United States; or in any security lawfully issued by any state or county, township, city or other municipal corporation within the United States of America.”

The mortgages referred to above, however, came into the Fund by assignment thereof by Indianapolis Teachers’ Pension Fund Commissioners when that unit accepted the provisions of the Act providing for the State Fund as provided in section 28-4505 of Burns Indiana Statutes Annotated (1933).

The above section makes no express provision for the col-
lection of defaulted mortgages which shall come into the State Fund pursuant thereto, nor does any other section of the Teachers' Retirement Fund Act make express provision therefor. However, the Act does place the Fund under the control and management of the Board; (Burns Indiana Statutes Annotated (1933), Section 28-4503) and gives it "discretionary power in determining all matters pertaining to its trust not specifically provided for in this act." Burns Indiana Statutes Annotated (1933), Section 28-4506. Surely this power would extend to the collection of defaulted mortgages or other securities and to the doing of such things as are reasonably necessary for the protection of the investment. It is my opinion, therefore, that the Board may exercise a sound discretion in paying nominal sums for titles under the conditions set out in this opinion to protect an existing investment.

HIGHWAY COMMISSION, STATE: Right of Indiana State Rural Membership Corporation to erect poles in State Road 32; right of Highway Commission to prevent impairment of usefulness of state highways.

January 29, 1936.

Hon. Evan B. Stotsenburg,
Commissioner, State Highway Commission,
State House Annex,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter requesting an official opinion concerning the right of the Indiana Statewide Rural Membership Corporation to build a pole line on State Road 32 in Boone County, Indiana. You state that said corporation has staked out its proposed line so that the poles will be within eighteen inches of the edge of the traveled pavement which will create a condition that will be most dangerous and will result in many accidents.

You submit the following questions:

"1. Has this corporation the right to erect its pole lines in a State Road without first obtaining the consent of this Commission?"