vertently, or otherwise, changing the boundaries of townships at other times than at the June terms of such boards."

It is my opinion, therefore, that voters who resided in the township which has been abandoned, if otherwise legally qualified, are entitled to vote in the coming election for the officers in the new township to which the territory in which they live has been annexed.

The board of county commissioners, if they have not already done so, should readjust the precinct boundary lines to conform to the boundary lines of the new township.

ACCOUNTS, STATE BOARD OF: County Highway Maintenance Fund. Use of surplus fund for purchase of machinery.

August 29, 1938.

Hon. W. P. Cosgrove,
State Examiner,
Division of Accounting and Statistics,
State House,
Indianapolis, Indiana.

Dear Mr. Cosgrove:

This will acknowledge receipt of your letter of August 26, in which you ask concerning the use of the surplus existing in the county highway maintenance fund at the end of any year and particularly if such funds may be used for the purchase of a cement mixer.

In reply to this inquiry, your attention is directed to section 4(b), chapter 135 of the Acts of the Indiana General Assembly of 1937, which reads as follows:

"Any surplus existing in the maintenance fund at the end of any year shall thereafter be used for construction and reconstruction of such highways by the respective counties."

The Act above referred to defines the term "construction" in the following language:

"The term 'construction' when used in reference to cities, towns and counties means the planning, super-
vising, inspecting, actual building and matters incidental to the construction of a highway, including, but not in limitation of the foregoing, locating, surveying, planning, acquiring rights-of-way and the cost thereof."

It will be noted from the above definition of the term that the money may be spent for the actual building of highways and matters incidental to the construction thereof. It is my opinion, therefore, that such surplus funds may be expended in part in the purchase of such machinery as is absolutely necessary for and in the use of the construction of a county highway.

FINANCIAL INSTITUTIONS, DEPARTMENT OF: Banks and banking. National bank in foreign state not required to obtain permit to do business in this State.

August 30, 1938.

Hon. E. H. DeHority,
Bank Supervisor,
Department of Financial Institutions,
Indianapolis, Indiana.

Dear Mr. DeHority:

This will acknowledge receipt of your letter of August 24, in which you inquire as to the necessity that national banks domiciled outside the State of Indiana secure permission to transact business in this state before proceeding so to do.

In reply to this inquiry, your attention is directed to section 324 of the Financial Institutions Act which reads as follows:

"Any bank, trust company or building and loan association organized under the laws of any other state, hereinafter referred to as a corporation or foreign corporation, shall, before transacting business in this state, procure a certificate of admission to this state from the department and the secretary of state, in the manner hereinafter provided, and shall otherwise comply with the provisions and be subject to the regulations prescribed in part VII of this Act."

It will be noted from a reading of this section that language used is "any bank, trust company or building and loan associa-