right which the courts recognize and protect, as a quasi-property right; and this, in the absence of statute, is the only right one may have in a dead body."

This above authority cites the case of Meek v. State (1933), 205 Ind. 102, which holds that while there is a property right in the survivors in a dead body, the same is more in the nature of a quasi-property right, as distinguished from a general property right.

See also:

15 Am. Jur. 831, Sec. 6;
Orr v. Dayton Traction Co. (1912), 178 Ind. 40.

It is my opinion that the term "property" as used in the statute requiring chauffeurs licenses means property in the common, ordinary sense of the term, and was not intended to apply to the case of a limited quasi-property right such as may exist in a human "corpse".

In conclusion, the answer to your second and third question depends upon whether or not the operator is an "employee for hire, for the principal purpose of operating a motor vehicle upon the highway." If the operator falls within this definition, he should have a chauffeur's license, otherwise not.

PUBLIC SERVICE COMMISSION: Caboose cars in railway yards.

CABOOSE CARS: Use in railway yards—size and construction.

February 8, 1944.

Opinion No. 14

Mr. Clayton M. Bailey,
Director, Railroad Department,
Public Service Commission of Indiana,
State House,
Indianapolis, Indiana.

Dear Sir:

This is in response to your recent inquiry which calls for an interpretation of Section 4 of Chapter 60 of the Acts of 1911
found in Burns Ind. Stat. Anno. 1933, at Section 55-1235. The section is as follows:

"The provisions of this act shall not apply to the use of caboose cars operated in yards and in transfer service, and in case of unusual and unforseen demands of traffic, caboose cars not constructed in compliance with this act may be used temporarily, provided that the railroad company desiring to use the same shall apply to and obtain an order from the railroad commission granting the privilege to temporarily use the same."

Section 2 of the Act prescribes the sizes and construction of caboose cars used on railroads and how they shall be equipped. Other sections of the Act give the railroad commission, now the Public Service Commission of Indiana, power to investigate the condition of caboose cars and under certain conditions to relieve railroad companies from compliance with the requirements as to size, construction and equipment, etc., of cabooses.

In my opinion section 4 should be read as though the first comma in the sentence were a period. The language following this comma in section 4 which refers to an order from the commission for the temporary use of caboose cars, does not apply to caboose cars used in yards and transfer services which are exempt from the provisions of the entire Act.

The recent decision of the Indiana Supreme Court in Chicago & E. I. R. Co. v. Public Service Commission, 49 N. E. (2d) 341, which brought in question the power of the Commission to order the use of cabooses in certain switching movements, emphasized the rule that the Commission was only authorized to act where some statute gives it authority to proceed.