The facts are stated in the opinion of the Court. Two questions were involved; the first was the question as to whether the absence amounted to an abandonment of the office and the second was the question as to whether the letter referred to amounted to a resignation. On the question of abandonment, after stating the facts, the Court said, quoting from page 6:

"Giving this evidence the intendment most favorable to appellee, we think it clear that relator's absence was only temporary; was with a fixed purpose of returning, not only to his residence but to his official duties; was at a time when there were no duties which he could be called upon to perform, or could perform, and there is no evidence to sustain the theory of abandonment. \textit{In order to constitute an abandonment of office, it must be total, and under such circumstances as clearly to indicate an absolute relinquishment. Temporary absence is not sufficient.}" (Our emphasis.)

Returning now to the Act of 1861, upon the basis of the analysis of the foregoing cases, I think there is no constitutional objection to such an act, limiting the ones who may avail themselves of it as limited in said act and having regard also to the further provision that no one may hold two lucrative offices at the same time.

\textbf{GENERAL ASSEMBLY: Effect of certain language in H. B. 16.}

\textbf{UNEMPLOYMENT COMPENSATION: Effect of proposed H. B. 16.}

March 2, 1943.

Honorable Donald H. Hunter,
Member House of Representatives,
Indianapolis, Indiana.

Dear Mr. Hunter:

This will acknowledge receipt of your letter of March 1, 1943, requesting an opinion regarding the effect of the amend-
ments offered to Section 6 of House Bill No. 16, in which you ask the following questions:

"First, does this said amendment create a situation which will cause an employee to lose his wage credits with his first employer when he quits his position with said first employer without good cause and accepts another job and is later unemployed on the second job; and further, does he lose his wage credits that are built up with the first employer in such a case?

"Second, upon whom is the burden of proving good cause, in the event of termination of employment, placed by said amendment to this bill?

"Third, in your opinion, does this amendment require that an employee prove that his termination of employment was based upon good cause or suffer the loss of all of his wage credits from said employer?

"Fourth, and if so, doesn't this tend to create a situation freezing a worker in his job under threat of loss of wage credits?"

In answer to your inquiry, I call your attention to the proposed amendment which reads as follows:

"(i) Notwithstanding any other provisions of this section, if an individual quits work voluntarily without good cause the wage credits earned prior thereto by the individual from the employer whose employment he quit shall be cancelled and no benefit rights shall accrue to the individual based upon such wage credits";

This language is clear, plain, concise, and unambiguous, and, if made a part of the Act, must be construed literally and according to the plain, common and ordinary use and meaning of the words and language contained within the four corners of the proposed amendment. Applying this rule of interpretation and construction to the proposed amendment, it is my opinion that the answer to your first question is yes; that the answer to your second question is that the burden of proving good cause in the event of termination of employment is placed upon the employee by the proposed
amendment; that the answer to your third question is yes, and the same answer applies to your fourth question.

Trusting that the above fully answers your inquiries with reference to the legal effect of the proposed amendment without taking into consideration anything with reference to the advisability or non-advisability of such an amendment being inserted into the Act.

SECRETARY OF STATE: Corporation fees.
CORPORATIONS: Admission of foreign R. R. corporations,—fees to be paid.

March 3, 1943.

Honorable Rue J. Alexander,
Secretary of State,
Indianapolis, Indiana.

Dear Sir:

I have before me your request for an official opinion as to the fee chargeable upon the filing by a foreign railroad corporation of a copy of its certificate of Articles of Incorporation as provided by Section 55-2219 of Burns' Indiana Statutes, Annotated, 1933. This section is Section 2 of Chapter 11 of the Acts of 1921. The Act consisted of four sections, Section 3 providing for the repeal of all laws and parts of laws in conflict with the Act and Section 4 declaring an emergency. I think it is appropriate that I should insert both the first and second sections of the Act, inasmuch as the foreign railroad corporation here involved is relying upon these two sections.

Section 1, the same being Section 55-2218 of Burns' Indiana Statutes Annotated, 1933, provides as follows:

"Whenever any railroad, situated partly in this state and partly in an adjoining state, shall be owned by a corporation formed by the consolidation of a railroad corporation or corporations of this state with a railroad corporation or corporations of such adjoining state, and which consolidated corporation shall have its principal office and the greater part of its railroad in such other state, shall be sold under a