ness thereon as a concessionaire. In such a case, the State of Indiana would not be liable since such employee is not an employee of the State of Indiana, but is an employee of the lessee. Neither would the State of Indiana be liable for injury to a person who has leased ground at the State Fair Ground for the reason that a lease is not a contract of employment between the state and such lessee.

LIEUTENANT-GOVERNOR: Liability of state in automobile accident of state employee—state not liable.

April 25, 1933.

Hon. M. Clifford Townsend,
Lieutenant Governor,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of April 24, 1933, requesting an official opinion on the following questions:

“(1) If a state employee, driving a state owned automobile, has an accident in which negligence is shown is the state liable jointly with the employee?

“(2) Does it matter if the employee is driving the car in connection with his work or after working hours?”

In answer to question 1, I call attention to Section 24 of Article 4 of the Indiana Constitution, which reads as follows:

“Provision may be made, by general law, for bringing suit against the state, as to all liabilities originating after the adoption of this constitution; but no special act authorizing such suit to be brought, or making compensation to any person claiming damages against the state, shall ever be passed.” (Our italics.)

The language of this section of our State Constitution indicates that the state cannot be sued for damages by reason of the wrongful act or negligence of any of its employees or officers.

In addition to this, the act of the legislature which authorizes actions to be brought against the State of Indiana and which is found in Sections 1550 to 1556 of Burns’ Revised
Statutes of 1926, is limited to actions of persons having or claiming a money demand against the State of Indiana, arising, at law or in equity, out of contract, express or implied. Hence, my answer to your first question is in the negative.

The answer to question 2 is necessarily the same as the answer to question 1.

SECRETARY OF STATE: Construction of Section 2 of Chapter 127 of the Acts of 1933, an act concerning corporations.

April 26, 1933.

Hon. Frank Mayr, Jr.,
Secretary of State,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of April 25, 1933, in which you request an official opinion with reference to the construction of Section 2 of Chapter 127 of the Acts of 1933.

Chapter 127, supra, is entitled:

"An Act concerning corporations for profit and providing a method of canceling the articles and revoking the rights of such corporations for failure to submit annual reports and making an appropriation therefor."

Section 1 of the act provides in substance that if the annual report of any corporation for profit is not filed in the office of the Secretary of State for a period of two full years, the Secretary of State is required to send a notice by registered mail to the officer of such corporation who signed the last annual report submitted by such corporation, stating in said notice that if the report of such corporation accompanied by the required fees is not submitted to the Secretary of State within thirty (30) days after the date on which the notice is mailed, that he, the Secretary of State, will certify that fact to the Attorney General and that thereupon the Attorney General will proceed to bring an action for the forfeiture of the articles of incorporation of such corporation and the revocation of its right to transact business in the state. Section 1 further provides that if such report is not filed as required by the above notice, the Secretary of State shall certify that