they choose to employ the City Civil Engineer, (and the duties required of him as Secretary of the Commission are not incompatible with his other duties) it seems to me that he would be entitled to receive compensation for his services in such amount as is fixed by the Commission under the statute. Your question is answered in the affirmative.

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**SECRETARY OF STATE:** Constitutional amendments, whether same must be submitted by General Assembly in order to authorize the Secretary of State to certify them.

January 27, 1936.

Hon. August G. Mueller,
Secretary of State,
Indianapolis, Indiana.

Dear Sir:


This chapter is a joint resolution agreeing to a proposed amendment to Section 1 of Article 12 of the State Constitution which had theretofore been proposed and agreed to by the Seventy-eighth Regular Session of the General Assembly. No act or resolution was passed submitting the same to the electors.

You submit the following question:

"In view of the provisions of Section 1, Article 16, of the Constitution of the State of Indiana, does the foregoing Joint Resolution authorize the Secretary of State to certify the proposed Amendment to the Clerks of the respective Circuit Courts of the State of Indiana thirty days prior to the next general election as required by statute?"

Section 1 of Article 16 referred to by you provides as follows:

"Any amendment or amendments to this Constitution, may be proposed in either branch of the General
Assembly; and, if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and referred to the General Assembly to be chosen at the next general election; and if, in the General Assembly so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, then it shall be the duty of the General Assembly to submit such amendment or amendments to the electors of the State; and if a majority of said electors shall ratify the same, such amendment or amendments shall become a part of this Constitution." (Our italics).

A former Attorney General in construing the italicized language supra has held that the same contemplates some act of the General Assembly either by resolution or otherwise submitting the proposed amendment to the electors which is lacking in this case. Opinions of Attorney General 1929-1930 page 143. I concur in that opinion to which you are referred for an elaboration of the reasons supporting it. Your question is answered in the negative.

HIGHWAY COMMISSION, STATE: Authority of county to grant right of way for highway through land of Calvin A. Bronnenberg Orphan’s Home. January 27, 1936.

Hon. James D. Adams,
Chairman, State Highway Commission of Indiana,
State House Annex,
Indianapolis, Indiana.

Dear Sir:

This is in response to your request for an opinion as to the meaning of a certain will. The material facts are as follows: Calvin A. Bronnenberg devised his farm of 256 acres in Madison County, Indiana, to the Board of Commissioners of that county for an orphan’s home, subject to a life estate to his sister. The sister is now deceased. The Commissioners accepted the property for an orphan's home and have im-