failure to fix a “fixed and definite” amount, when the amount to be earned was unknown at the time of the assignment. In my opinion, as applied to unearned wages, the statute has in mind that the assignment shall fix a definite amount which is to be covered by the assignment rather than a percentage of an unknown amount.

As already stated, the language is rather ambiguous, but in the consideration of the evident purpose of the enactment, it seems to me that the above conclusion is correct.

Summarizing my opinion on the question submitted by you as to the aliquot part which may be assigned, I doubt whether the statute has reference to an aliquot part of an unknown amount. I think it has reference to a definite and fixed amount, which is to be set out in the assignment.

SECRETARY OF STATE: Trust receipts—Foreign corporations must be qualified in this State before engaging in trust receipts transactions.

April 29, 1938.

Hon. Joseph O. Hoffmann,
Chief Corporation Counsel,
Department of State,
Indianapolis, Indiana.

Dear Sir:

I acknowledge receipt of your letter of April 26, 1938, requesting an official opinion. Said request is as follows:

“This department has frequently had the question before it if the qualification by a foreign corporation for the purpose of engaging in and entering into trust receipt transactions pursuant to the provisions of an act entitled, ‘An Act Concerning Trust Receipts and Pledges of Personal Property unaccompanied by possession in the pledgee, and to make uniform the law relating thereto.’ Acts of 1935, page 993, thereby constitute such a foreign corporation doing business in the State of Indiana within the meaning of section 56, et seq. of an act entitled, ‘An Act concerning domestic and foreign corporations for profit providing penalties
for the violation hereof, and repealing all laws or parts of laws in conflict herewith, Acts of 1929, page 725, approved March 16, 1929, and in force July 1, 1929.

"The department respectfully requests an official opinion as to the necessity of a foreign corporation qualifying as a foreign corporation in this state before it can be registered and qualified to engage in trust receipt transactions in this state pursuant to the provisions of the Act first above cited.

"The department also requests an official opinion from your department, if engaging in trust receipt transactions, as we find and set out in the Act of 1935 above cited, constitutes the doing of business in this state by foreign corporations within the meaning of the Indiana General Corporation Act of 1929 above cited."

Your request calls for an interpretation of chapter 206 of the Acts of 1935. This Act is a codification of the highest standards of business practices. Its object is to permit the legitimate use of trust receipts in the regular course of business in this state with full protection to be given bona fide purchasers, including pledgees, but with the lender to be favored over general creditors of the buyer-trustee.

In order to accomplish this purpose the Act requires:

1. That new value must be given;
2. That the possession of the trustee must be for the purposes set forth in the Act;
3. That any entrustor undertaking or contemplating trust receipt transactions with reference to documents or goods is entitled to file with the secretary of state a statement signed by the entrustor and entrustee, etc.

The Act contemplates a regulation and protection to those engaged in a course of business in this state which consists of transactions in trust receipts. This is clearly shown by the provisions of Subsection 3 of Section 1 of the Act, which reads in part as follows:

"A person in the business of selling goods or instruments for profit."
The view is also confirmed by the provisions of Section 15 of the Act, wherein it is shown that the Act does not apply to isolated or single transactions. Section 15 in part reads as follows:

“Act not applicable to said transactions. This Act shall not apply to single transactions of legal or equitable pledges, not constituting a course of business.”

This clearly shows that this Act is to apply to those who are engaged in a course of business in trust receipt transactions in this state.

Therefore, it is my opinion that before a foreign corporation could qualify for the purpose of engaging or entering into trust receipt transactions, pursuant to the provisions of this Act, it would be required to be qualified as a foreign corporation in this state. It is further my opinion that a foreign corporation engaging in a course of business in trust receipt transactions, pursuant to the provisions of Chapter 206 of the Acts of 1935, would constitute the doing of business in this state by such foreign corporation within the meaning of the Indiana General Corporation Act of 1929, above cited in your request.


Miss Helen Lowell,
Supervisor, CCC Selection,
Governor's Commission on Unemployment Relief,
141 South Meridian Street,
Indianapolis, Indiana.

Dear Madam:

I have before me your letter in which you state that a question has arisen as to the place of legal residence of youths enrolled in the Civilian Conservation Corps. You state that in some instances youths have been released from CCC who have tried to obtain employment in the locality in which the camp was located and when this was impossible, were forced to apply for assistance under the poor relief laws. You state further that the public agencies have questioned the residence of such youths and have wondered whether their period of enrollment in the CCC would establish their residence in the particular