

Finding said contract and bond in proper legal form, I have this day noted my approval thereon, and return same to you herewith, together with all other data submitted to me in this connection.

Respectfully,  
JOHN G. PRICE,  
*Attorney-General.*

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3774.

APPROVAL, REFUNDING BONDS, CITY OF LORAIN, \$40,000.

COLUMBUS, OHIO, November 29, 1922.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

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3775.

APPROVAL, BONDS OF CITY OF CIRCLEVILLE, \$3,100, FOR STREET IMPROVEMENTS.

COLUMBUS, OHIO, November 29, 1922.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

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3776.

ADJUSTED COMPENSATION FOR SOLDIERS OF WORLD WAR—"CONTINUOUS SERVICE MEN" RESIDENTS OF OHIO—ENTITLED TO COMPENSATION.

*Persons resident in Ohio at the time of their entrance into the military and naval service of the United States, which was prior to the entrance of the United States into the world war, and who continued in such service thereafter without interruption, including the period of time between April 6, 1917 and November 11, 1918, are, if otherwise qualified, entitled to adjusted compensation under Section 2a of Article VIII, Ohio Constitution.*

COLUMBUS, OHIO, December 1, 1922.

HON. ROBERT R. ROBERTS, *Director, Department of Adjusted Compensation, Columbus, Ohio.*

DEAR SIR:—Your letter of recent date inquiring whether or not the so-called "continuous service men" referred to therein are entitled to adjusted compensation, was duly received.

As I understand it, the men composing the particular group of applicants for adjusted compensation referred to in your letter, were residents of Ohio at the

time they entered the military and naval service of the United States, which was prior to the declaration of war, and also that they continued in such service without break or interruption after their entrance, including the period of time between the dates of April 6, 1917 and November 11, 1918.

In *Graham vs. Commonwealth*, 51 Pa. St., 255, the court held that the absence of a person in the military service of the United States was but temporary in character, and that a soldier continues to be a resident of the state of which he was a resident at the time of his enlistment. In the opinion the court, among other things, said:

"His usual residence was not changed by the fact that he obeyed the call of the president and volunteered to fight for his country at her command. To hold the contrary would be against the spirit of all our legislation. A soldier is regarded as a voter, because a citizen of the residence he left before entering the service, and he votes there wherever he may be. \*\*\*\* It would be as ungracious as unreasonable to hold that the citizen who absents himself in obedience to the call of his country, thereby loses the advantage of residence by such an act. This is not so; his residence remains whether it operate for or against him. \*\*\* A soldier in the field has no residence there; \*\*\* He is obliged to go where he is ordered, and cannot, if he desired it ever so much, dwell at his usual place of residence."

On the facts stated in your letter, you are advised that the men in question are included in the expression, "persons resident in Ohio at the time of the commencement of service," etc., and, if otherwise qualified, are entitled to adjusted compensation, as provided for in section 2a of Article VIII of the Ohio Constitution. In other words, these men did not cease to be residents of Ohio by entering the military and naval service of the United States prior to the entrance of the United States into the world war.

Respectfully,  
 JOHN G. PRICE,  
*Attorney-General.*

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3777.

INTOXICATING LIQUORS—CONFISCATION OF CONVEYANCE UNDER SECTION 6212-43 G. C.—DOUBTFUL IF COURT AUTHORIZED TO CONFISCATE WHEN PROSECUTION IS UNDER CITY ORDINANCE—WHO CONDUCTS SUCH SALE—BOND REFERRED TO IN SECTION 6212-43 G. C. SHOULD BE GIVEN TO ARRESTING OFFICER.

1. *It is very doubtful whether a court is authorized under section 6212-43 to order the confiscation of a conveyance seized under said section when the prosecution is instituted under a city ordinance.*
2. *Under the provisions of section 6212-43, the court may authorize the arresting officer or any other officer to conduct the sale of confiscated conveyances.*
3. *The "officer" referred to in said section refers solely to the arresting officer*