

"The rule is that she may acquire a separate domicile whenever it is necessary or proper that she should do so. The right springs from the necessity for its exercise, and endures as long as the necessity continues."

In the Cache case, the Appellate Court said further.

"When a married woman is justified in separating from her husband, his marital control over her, which made his residence her residence, is broken, and she can lawfully acquire an actual residence separate from his. She then has a right to select any place for her residence that she may desire."

In the case you present, it would appear that whatever difficulties existed between the father and mother, they resulted in the mother assuming custody of the children, and providing for their support, which in itself would be indicative of the existence of facts justifying her in the establishment of a separate residence.

Therefore, in specific answer to your inquiry, it is my opinion that, under the facts and circumstances presented in your communication, the woman under consideration acquired a legal settlement in Marion Township, Hardin County, Ohio.

Respectfully,

GILBERT BETTMAN,
Attorney General.

2360.

APPROVAL, BONDS OF PICKAWAY COUNTY, OHIO—\$22,520.93.

COLUMBUS, OHIO, September 19, 1930.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

2361.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND INDIANA ENGINEERING AND CONSTRUCTION COMPANY, FOR REMODELING OF ADMINISTRATION BUILDING OF KENT STATE COLLEGE, KENT, OHIO, AT AN EXPENDITURE OF \$100,500.00—SURETY BOND EXECUTED BY THE MARYLAND CASUALTY COMPANY.

COLUMBUS, OHIO, September 19, 1930.

HON. A. T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Superintendent of Public Works, for the Board of Trustees of the Kent State College, Kent, Ohio, and Indiana Engineering and Construction Company, a foreign corporation, with an Ohio office at Akron, Ohio. This contract calls for the construction and completion of general contract, exclusive of plumbing