

"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.*

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2360.

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

COLUMBUS, OHIO, September 19, 1930.

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

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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

and sewers, heating and electrical work for the remodeling of Administration Building of Kent State College, Kent, Ohio, according to Item No. 2, Item No. 23, Alternate No. 16, and Item No. 37, Alternate No. 30 of the Form of Proposal dated August 15, 1930. Said contract calls for an expenditure of one hundred thousand five hundred dollars (\$100,500).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that the consent of the Controlling Board to the expenditure has been obtained as required by Section 11 of House Bill 510 of the 88th General Assembly. In addition, you have submitted a contract bond, upon which the Maryland Casualty Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the Workmen's Compensation Act have been complied with. A certificate of the Secretary of State showing that the contracting corporation is authorized to do business in Ohio has been filed.

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

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

2362.

APPROVAL, BONDS OF CITY OF CONNEAUT, ASHTABULA COUNTY,  
OHIO—\$63,000.00.

COLUMBUS, OHIO, September 23, 1930.

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

2363.

APPROVAL, AMENDMENT TO ARTICLES OF INCORPORATION OF THE  
MUTUAL PLATE GLASS INSURANCE COMPANY OF SHELBY, OHIO.

COLUMBUS, OHIO, September 23, 1930.

HON. CLARENCE J. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—I have carefully examined the certificate of amendment of the articles of incorporation of The Mutual Plate Glass Insurance Company of Shelby, Ohio, and find said amendment to be in conformity to the provisions of Section 9607-2 et seq. of the General Code, authorizing the incorporation of insurance companies for the transaction of business of the kind provided for by said articles.