

specifically vest authority in your department to grant an exclusive right for fifteen years. It will have been noted that a bond is mentioned in the statute; but it would appear that such bond is to cover the condition of drawing off water from the canals for the purpose of flooding ice ponds and other purposes, rather than the condition of taking ice from the canal waters themselves. The statutory protection in the matter of cutting ice would seem to be provided by the last sentence of the section prescribing a penalty for taking ice without permission.

In the matter of the sale of sand and gravel, I have not been able to find a statute making special provision to that end. However, section 412 G. C. reads:

"The superintendent of public works shall have the care and control of the public works of the state and shall protect, maintain and keep them in repair. The superintendent shall have the power to remove obstructions therein or thereto and shall make such alterations or changes thereof, and shall construct such feeders, dikes, reservoirs, dams, locks or other works, devices or improvements as he may deem proper in the discharge of his duties. Subject to the approval of the governor, the superintendent of public works may purchase on behalf of the state such real or personal property, rights or privileges as it may be necessary, in his judgment, to acquire in the maintenance of the public works or their improvement subject to the approval of the governor."

Since the removal of sand and gravel from the bed of the canal and from canal lands will inure to the benefit of the canals, the statute just quoted contains ample authority for a contract of sale, when we keep in mind that such contract will result in an income to the state instead of an expense. However, such authority certainly does not go to the extent of permitting the granting of an exclusive right for a period of fifteen years.

Upon the whole then, it occurs to me that in lieu of the plan embodied in the instrument submitted, your department might enter into a contract granting the privilege for one year for the taking of ice, sand and gravel, with the provision that the privilege might be renewed from year to year, at the option of the state. If a contract upon these lines is submitted, I shall gladly give it consideration.

I am returning without my approval the instrument in triplicate as submitted.

Respectfully,
JOHN G. PRICE,
Attorney-General.

3011.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS,
CRAWFORD AND PUTNAM COUNTIES.

COLUMBUS, OHIO, April 21, 1922.

Department of Highways and Public Works, Division of Highways, Columbus, Ohio.

GENTLEMEN:—I am in receipt of your letter of April 20, 1922, enclosing for my approval final resolutions on the following improvements:

Columbus-Sandusky road, I. C. H. No. 4, sections L, Chatfield and M,
Crawford county.

Lima-Ottawa road, I. C. H. No. 129, sections M and P, types A and B, Putnam county.

I have carefully examined said resolutions, find them correct in form and legal, and I am therefore returning the same to you with my approval endorsed thereon in accordance with section 1218 G. C.

I note that as to the resolution covering type B, I. C. H. No. 129, section P, Putnam county, the auditor has made a special endorsement on his certificate that the council has made all proceedings for type A, and that therefore a certificate cannot be made as to type B. I presume that the auditor refers to the proceedings of the council of a municipality through which the improvement is being made. However, as the amount certified for type A on this same section is larger than that needed for type B, it is clear that the certificate made for type A will serve for both types A and B.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

3012.

ADJUSTED COMPENSATION FOR SOLDIERS OF WORLD WAR—WHEN
 MINORS ARE NOT ENTITLED TO SAID COMPENSATION.

Ex-service men who were minors at the time of the commencement of service in the world war, and whose parents were then living and were citizens and bona fide residents of other states, are not entitled to adjusted compensation under section 2a, article VIII, Ohio Constitution, in the absence of peculiar facts and circumstances of such character as would, in law, effect a change of domicile or residence from the other state to Ohio.

COLUMBUS, OHIO, April 21, 1922.

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

DEAR SIR:—Your letter of recent date relative to the right of certain minors to receive adjusted compensation under the provisions of section 2a of Article VIII of the Ohio Constitution was duly received.

Your letter states that many ex-service men who have filed claims for adjusted compensation were minors at the time of the commencement of their service, and that their respective parents were bona fide residents of other states.

The question for decision is whether or not such minors, of their own volition, could establish their residences in Ohio.

The general rule, tersely expressed in *State vs. Kaplan*, 8 N. P., 197, is that "Every person must have a domicile somewhere. No person can have more than one domicile at the same time," and with respect to minors the law appears to be well settled in this state that their domicile or residence is that of the parents. See *Trustees vs. Trustees*, 3 Ohio, 99; *Sturgeon vs. Korte*, 34 O. S., 525; in re *Murray*, 4 N. P. (N. S.) 233, affirmed 8 C. C. (N. S.) 498; *Wickham vs. Coyner*, 12 C. C. (N. S.) 433.

In *Trustees vs. Trustees*, supra, the court, at page 102, say: