Center township, Grant County, Indiana, is entitled by virtue of residence to the commission.

In answering the query, it might be well to first make the observation that the residence of a person is always a matter which must be decided from the facts in each particular case, and no general rule can be given to cover all circumstances and conditions which arise.

It is a cardinal principle, that residence is controlled largely by the intention of the party, and inasmuch as the constable in this instance has evidenced the intention of declaring Grant County as his residence by maintaining a room which he has rented and in which he sleeps and receives his mail, as well as being a taxpayer upon his personal property within the county, that he can properly declare himself a resident of Grant County and is entitled to be commissioned as constable if all other requirements are met.

I am returning herewith the copy of Mr. White's letter as you request.

PUBLIC INSTRUCTION, DEPARTMENT OF: Issuance of transfer from one school township to another.

January 27, 1933.

Grover Van Duyn,
Ass't Superintendent,
Department of Public Instruction,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of January 18, 1933, propounding the following question:

"A child whose father died while she was very young, was taken to the home of an aunt living in Union Township, Madison County. This child remained in this home and was educated in the Union Township schools. The mother married again and is now living in Middletown. No transfer has ever been issued from Middletown to Union Township while the child was in the Union Township schools. She is now ready for high school and since there is no high school in Union Township, of Madison County, the child is sent to the Middletown High School which is now the residence of her mother. The child continues to live with her aunt in Union Township, Madison County."
"Should Union Township issue a transfer to the Middletown School Corporation for this child?"

It is my opinion, that as the child is a resident of Union Township, Madison County, that Union Township should issue a transfer to the Middletown School Corporation. I reach this conclusion in that the residence of the child, rather than the parent, controls.

ACCOUNTS, BOARD OF: State sinking fund for public deposits—whether depository interest on funds accruing to Indiana State Soldiers' Home by virtue of Sec. 13542, Burns Annotated Indiana Statutes of 1926, may be diverted to said state sinking fund.

January 27, 1933.

Hon. Lawrence F. Orr,
State Examiner,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter in part as follows:

"Under the provisions of section 13542, Burns Annotated Indiana Statutes of 1926, the board of trustees of the Indiana State Soldiers' Home are authorized to make it a condition for the admission to said home, that where pensions are received in excess of amounts stipulated in this statute, the excess shall be paid into a fund to be used by the board of trustees in any manner that will add to the comfort and welfare of the members of said institution."

You submit the following questions:

"Does the money received under this statute constitute a trust fund in charge of the treasurer of the institution, or is this money a state fund?

"Is interest on this money subject to provisions of chapter 33, Acts 1932?"

The provisions of chapter 33 of the Acts of 1932, requiring the diversion of certain depository interest to the "state sinking fund for public deposits", created by the act in express terms applies to all funds which are required to be deposited under and pursuant to the public Depository Act. The answers