applied to persons who are of full age and in possession of their faculties, it is a matter of intention, but intention itself is sometimes difficult to ascertain. It is revealed not so much by words as by acts.

Again, the term "residence," or the intention to change a residence, usually means the intention to change a residence with some degree of permanency; it involves the leaving of the old residence with an intention not to return. A change of residence involves something more than a temporary absence for the purpose of performing a temporary work, but with the intention of returning when that work is completed.

With the above suggestions in mind, then, it seems to me that the enrollment in the Civilian Conservation Corps, involving a transfer to a camp selected by the government, and wherein the person is subject to the control of the government, which, as I understand it, might involve a change of location, determined not by the individual but by the government, would not amount to a change of residence within the meaning of that term as it is used in the "legal settlement" statute of the state governing poor relief.

In my opinion, therefore, residence in such a camp for one year or more by an enrollee should not be considered as a residence in the locality of the camp for the purpose of obtaining a new "legal settlement" under the poor relief laws of the state, and your question is so answered.

MOTOR VEHICLES, BUREAU OF: Refund on license plates to administrator, widow or heir.

May 5, 1938.

The Honorable Frank Finney,
Commissioner of the Bureau of Motor Vehicles,
State House,
Indianapolis, Indiana.

Dear Sir:

In your letter of April 30 you submit two questions. They are as follows:

"1. Does the Bureau of Motor Vehicles have authority under the above quoted section to make rebate
of a license plate registration fee issued in the name of a person now deceased to the administrator of the estate of that decedent?

"2. Does the Bureau of Motor Vehicles have authority under the above quoted section to make such rebate of a license plate registration issued in the name of a person now deceased to the widow or sole heir, there being no administrator or other person named by the court representing such estate."

The statute which covers refunds is Section 16 of Chapter 213 of the Acts of 1925 as amended by Section 4 of Chapter 271 of the Acts of 1937. This amended section reads as follows:

"The holder of any certificate of registration and license plates issued under the provisions of this act desiring to discontinue the use thereof, may return the certificate of registration and the original license plates to the secretary of state, and the secretary of state shall thereupon refund to such holder the unearned portion of the fee originally paid: Provided, That nothing herein contained shall authorize a refund to any person, firm, co-partnership, association or corporation whose license has been revoked for any cause."

You will notice in the above quoted statute that it says "the holder of any certificate of registration and license plates," etc., shall be entitled to a refund of the unearned portion. Thus, then, in view of the language of this section we have only to determine whether or not the administrator in question number 1 or the widow or sole heir in question number 2 is the holder as is contemplated by the statute. If any of these persons in such capacity, either as administrator, widow or sole heir, is the holder as is contemplated by the statute, then they would be entitled to the refund. (The word administrator contemplates also administratrix and the word widow contemplates widower.)

By Section 18 of Chapter 219 of the Acts of 1925 as amended by Section 2 of Chapter 170 of the Acts of 1931, certificates of registration and "two number plates for each motor vehicle" are issued to the owner of such motor vehicle. By Section 3 of Chapter 213 of the Acts of 1925 as amended by Section 2 of Chapter 271 of the Acts of 1937, it is said:
"Upon receipt of an application for the registration of a motor vehicle . . . the secretary of state . . . shall register such motor vehicle . . . under the distinctive number assigned to such motor vehicle."

I think a reading of these two sections of the statutes clearly indicate that the license plates and certificate of registration follow the motor vehicle.

The motor vehicle itself, of course, is personal property and as such, upon the death of the owner, descends to the heirs subject to divestiture upon the appointment of a personal representative. Therefore, the title to the motor vehicle would pass into the hand of an administrator upon his appointment, subject, as is other personal property, to be sold at public auction pursuant to the provisions of Section 51 of Chapter 45 of the Acts of 1881 and the proceeds to be used for the payment of the obligations against the estate of the deceased. Since the title to the motor vehicle as personality passes to the administrator, he then under the law becomes the holder of the certificate of registration and license plates and would therefore come within the provisions of the section of the statute providing for refunds. Section 51, Chapter 45 of the Acts of 1881 above referred to, provides in substance that the representative, which would include the administrator, after the filing of an inventory and appraisement, shall sell at public auction the personal property of the deceased not taken by the widow. The license plates, in my opinion, do not come within the provisions of this section for the reason that they were not personal property of the deceased but follow, by virtue of being assigned thereto, the motor vehicle. That is to say, that such license plates, while assigned to the motor vehicle grant the privilege of license to the particular individual who owned such motor vehicle. Since, however, the license is a personal one and relates to a specific motor vehicle, the administrator would have no right to the use of such license other than to claim the unearned portion of its cost. Also since the license plates are personal they could not be sold at public auction since there could be no market, thus but one recourse is left to the administrator, and that is to claim the refund allowed by law.

In the case of a widow or sole heir, such as you ask about in your second question, it is my opinion that either of them
would have the same rights to the refund as would the admin-
istrator, provided title to the motor vehicle had passed to the
person asking the refund.

Therefore, in view of what has heretofore been said, it is my
opinion that the Bureau of Motor Vehicles does have the
authority under the law to make a refund of a license plate
registration fee to the administrator of the estate of a de-
cdent. Also in my opinion the bureau is authorized to make a
refund of license plates registration fees to the widow or sole
heir of a decedent, provided, however, that such widow or sole
heir is the holder of such license plates.

INSURANCE DEPARTMENT: Group Life Insurance for
Labor Union, United Auto Workers.

May 18, 1938.

The Honorable George Newbauer,
Commissioner of Insurance,
State of Indiana,
Indianapolis, Indiana.

Dear Mr. Newbauer:

Your letter of May 14, 1938, asks several questions predi-
cated upon a statement of facts.

The pertinent facts as set out in your letter are as follows:

"The Reserve Loan Life Insurance Company of Indian-
apolis, Indiana, has submitted a form of group policy
to this department, for the consideration of this depart-
ment in accordance with Section No. 167 of the Indiana
Insurance Law.

"The Reserve Loan Life Insurance Company proposes
to issue this form of policy to labor unions in accordance
with the definition of group life insurance in No. 3 of
Paragraph No. b of section No. 166 of the Indiana In-
surance Law.

"In the company's letter of transmittal it specifically
states that it is contemplating that this form be used
in connection with the United Automobile Workers of
America, an affiliate of the Committee for Industrial
Organization. The group being familiarly known as