capacity to act which is possessed by natural persons, but shall have the authority to perform such acts only as are necessary convenient or expedient to accomplish the purposes for which it is formed and such as are not repugnant to law."

In view of the limitations quoted immediately heretofore respecting the general powers of insurance corporations and in view of the restrictions on fraternal beneficiary associations to invest it is my opinion that the Croatian Catholic Union of the United States of America, while operating under the Indiana Insurance Law, has not the right to use its funds for the purchase of equipment necessary for a bowling alley nor does it have the right under our law to run such bowling alley as a part of its activities.

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ELECTION COMMISSIONERS, STATE BOARD OF: CCC enrollees right to vote.

November 5, 1938.

State Board of Election Commissioners,
1300 Fletcher Trust Building,
Indianapolis, Indiana.

Dear Sirs:

With your letter to me of October 24, 1938, you submitted an enclosure which presents for an official opinion the question of the right of inhabitants of a certain CCC camp to vote at the coming election in the county and precinct in which the camp is located. The pertinent parts of the enclosure point out that:

"There is a federal recreation park, comprising some three thousand acres, part of this land was acquired by the United States government by exercising the right of eminent domain under federal statutes, more particularly the NRA or National Recovery Act, which authorized the government to acquire property for certain purposes pursuant to federal laws. The United States government filed a suit against one hundred and three plus acres of land, this case is sometimes known as United States v. Dickman, and was tried in the Federal Court in Indianapolis, and resulted in the
acquisition of the Dickman land by the United States.

* * *

"The United States erected on the particular lands, formerly owned by the Dickmans, certain dwellings and quarters which are now being used for housing of CCC camp inmates and war veterans.

"These inmates have registered and it appears that they will attempt to vote in the next general election although they come from many parts of the middle west.

"We now present to your honorable board the question of the legality of such inmates of CCC camps in federal recreation park voting at the coming general election."

The above quoted portion from the enclosure speaks of "inmates" of the camps. I presume that the word "inmate" is used in order to designate a larger class than enrollees. Therefore your single question is in reality two questions. The first is, can the officers in charge of the particular CCC camp legally vote at the coming election in the county and precinct where the camp is located in Indiana. The second question is whether the enrollees can legally vote in the county and precinct where the camp is located in Indiana?

In answer to your first question I wish to call to your attention that CCC camps are under the supervision and control of the Department of War of the United States government. The officers in charge are either regular commissioned army officers or reserve officers of the army on active duty. They are stationed at the camp pursuant to military order. The camp to which they are ordered then is their station insofar as their superior authority is concerned.

Art. 2, section 3 of the Indiana Constitution provides that:

"No soldier, seaman, or marine, in the army or navy of the United States, or of their allies, shall be deemed to have acquired a residence in the state in consequence of having been stationed within the same; nor shall any such soldier, seaman, or marine have the right to vote."

There can be no doubt but that the word "soldier" as used in the Indiana Constitution includes officers because officers
are soldiers of rank. Thus, then, the officers in charge of the
camp who are army officers whether regular or active re-
servists are expressly excluded from voting privileges in
Indiana.

Title 16 section 584 et seq U. S. C. A. is the Federal Con-
servation Law and pursuant to this authority the federal gov-
ernment employs youthful citizens of the United States, some
war veterans and Indians. Much of the land on which the
CCC camps are located is leased by the federal government,
however, in the instant case the title to the land was acquired
by the United States through eminent domain proceedings.
The camp is built on land the title to which is now in the
United States government and was in the United States gov-
ernment prior to the inhabitancy of such camp by the present
enrollees who are the subjects of this opinion.

By chapter 52 of the Acts of the Indiana General Assembly,
Indiana gave her consent "to the acquisition by the United
States of America * * * such lands in the State of Indiana as
the United States of America may desire to purchase and
acquire, pursuant to any Act of Congress for the acquisition,
establishment, maintenance, and development of fish hatcher-
ies, wild life preserves, forest preserves or for agricultural,
recreational, or experimental uses." Section 1.


By section 2 of chapter 52, supra, the United States of
America was,

"granted all the power and authority necessary for the
maintenance, development, control, and administration
of such lands as may be acquired by virtue of this act
through its officers, agents, or employees, or through
cooperative agreement with the Department of Con-
servation of the State of Indiana, except as herein
otherwise provided."

The Indiana General Assembly then retained certain jurisdic-
tion in respect to the land that the United States of America
would acquire pursuant to this section. Section 4 of chapter
52, supra, provides:

"(a) That the State of Indiana shall retain concur-
current jurisdiction with the United States in and over
lands so acquired, so far that civil process in all cases and such criminal process as may issue under the authority of the State of Indiana against any person charged with the commission of any crime, without or within said jurisdiction, may be executed thereon in the same manner as if this Act had not been passed.

"(b) The State of Indiana shall retain the exclusive right to regulate the taking, killing, or hunting of wild birds or wild animals, except migratory birds, on any and all land acquired by the United States under the provisions of this Act in the same manner and to the same extent as it may lawfully regulate the taking; killing, or hunting of wild birds or wild animals on land owned by the state and used for conservation purposes." (Our italics.)

It will be noted in connection with the retention of concurrent jurisdiction by the State of Indiana with the United States of America that criminal jurisdiction is retained within the ceded area by the State of Indiana. Certain regulatory authority is exclusively retained respecting certain wild life. However, in all other respects as to maintenance, development, control, and administration of such ceded lands the United States of America has "all the power and authority necessary." The enrollees; therefore, are amenable to Indiana laws in but three circumstances: 1. The execution of civil and criminal process; 2. The criminal code and, 3. The regulations affecting wild life.

The qualifications for electors are defined in Article 2, Section 2 of the Indiana Constitution. This section provides:

"In all elections not otherwise provided for by this constitution, every citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the state during the six months, and in the township sixty days, and in the ward or precinct thirty days, immediately preceding such election, shall be entitled to vote in the township or precinct where he or she may reside."

The aforementioned provision respecting residents has been virtually reenacted by Section 34 of Chapter 47 of the Acts of
the Indiana General Assembly of 1881 (special session) the same being section 29-703 Burns' Indiana Statutes 1933.

The answer to the second question, namely: Whether the enrollees of this particular CCC camp can legally vote in the county and precinct where the camp is located in Indiana ultimately resolves itself into whether or not such enrollees while in the camp can establish a voting residence in Indiana and thus in the county and precinct where the camp is located.

In the case of Brownlee v. Duguid (1931), 93 Ind. App. 266, 268, it was said:

"We have in Indiana the cases of Pedigo v. Grimes (1887), 113 Ind. 148, 13 N.E. 700, and Brittenham v. Robinson (1897), 18 Ind. App. 502, 48 N.E. 616, which have set out the salient features (of residence); namely, bodily residence in a place coupled with an intention to make such place a home, which establishes a domicile or residence. The intention must be found in the conduct and statements, if any, prior to the time it is questioned."

The same case at page 270 says:

"The place where a person lives is prima facie taken to be his residence, unless facts can be established to the contrary.

"The elector's residence is the place where he makes his permanent or true home.

"The term 'residence' has been judicially defined as the abode or dwelling place, as distinguished from a mere temporary locality of existence. Residence, and even domicile, is a quality which endures, when once acquired, until changed animo et facto.

"Although intention is an important element of the status of an elector, his own statement as to any such intent cannot, of itself, be controlling in respect to his residence for voting purposes."

It will be recalled that the United States of America acquired title to the land by the exercise of its sovereign right, i.e., by eminent domain proceedings. The question then of the establishment of residence by the enrollees in turn becomes a question as to whether or not persons residing on land owned by the United States of America can establish a residence in
the state within which such land is located for voting purposes by an inhabitancy on such land coupled with the intent to make such place their permanent home.

In the case of Ft. Leavenworth R. R. Co. v. Lowe, 114 U. S. 525, 536, the Supreme Court of the United States quoted with approval from a Massachusetts case relative to the acquisition by certain residents, on territory owned by the United States, civil and political privileges. The court said:

"Where the general consent of the Commonwealth is given to the purchase of territory by the United States for forts and dockyards, and where there is no other condition or reservation in the Act granting such consent, but that of a concurrent jurisdiction of the state for the service of civil process against persons charged with crimes committed out of such territory, the government of the United States has the sole and exclusive jurisdiction over such territory for all purposes of legislation and jurisprudence with the single exception expressed; and consequently that no persons are amenable to the laws of the Commonwealth for crimes and offences committed within said territory; and that persons residing within the same do not acquire the civil and political privileges, nor do they become subject to the civil duties and obligations of inhabitants of the towns within which such territory is situated."

The Ohio State Supreme Court in 1869 had before it the question of the right to vote of inmates of a National Asylum for Disabled Volunteer Soldiers. In holding that such inmates could not acquire a residence in Ohio while living at the asylum the court pointed out that after an inmate had become such:

"He is relieved from any obligation to contribute to her revenues, and is subject to none of the burdens which she imposes upon her citizens. He becomes subject to the exclusive jurisdiction of another power, as foreign to Ohio as is the State of Indiana or Kentucky, or the District of Columbia. The constitution of Ohio requires that electors shall be residents of the state; but under the provisions of the Constitution of the United States, and by the consent and act of cession of
the legislature of the state, the grounds and buildings of this asylum have been detached and set off from the State of Ohio, and ceded to another government and placed under its exclusive jurisdiction for an indefinite period. We are unanimously of the opinion that such is the law, and with it we have no quarrel; for there is something in itself unreasonable that men should be permitted to participate in the government of a community, and in the imposition of charges upon it, in whose interests they have no stake, and from whose burdens and obligations they are exempt.”

Sinks v. Reese, 19 Ohio State 306, 316.

The Supreme Court of Indiana in the case of State ex rel. Cashman v. Board of Commissioners of Grant County 153 Ind. 302, 307, said respecting the right to vote of inmates of a National Home for Disabled Volunteer Soldiers:

“The rule, as affirmed by the highest judicial decision, is to the effect that when the National Government, in the exercise of the powers granted by the above constitutional provision, acquires land by purchase, for any of the enumerated purposes, with the consent of the state, expressed through its legislature, the grant carries with it exclusive jurisdiction over the place, and all state rights and sovereignty are excluded therefrom; and residents therein are alien to the state making the grant.”

While it is true that the Legislature of Indiana by chapter 52 of the Acts of 1937, supra, reserved certain concurrent jurisdiction with the United States of America over the land in question, the reserved jurisdiction reaches no further than the Indiana criminal code and places no burden upon the enrollees of this particular camp. That is to say that the taxing power of Indiana as to poll tax does not extend to the enrollees of this camp because they are alien to Indiana. They live on territory that is no more a part of Indiana than is the State of Kentucky. That being true then it would be impossible for them to establish a residence in Indiana by virtue of their inhabitancy of the camp because as we have seen in establishing residence two elements are essential, namely: a physical pres-
ence and an intention that such place of physical presence shall be the permanent home. In the instant case the enrollees may have the intention to make Indiana their permanent home but their physical presence is not in Indiana but on territory belonging to the United States of America.

I am not unmindful of the case of McBeth v. Streib (Texas 1936) 96 S.W. 2nd 992 wherein it was held that certain CCC enrollees in a camp in Uvalde County, Texas, were legal voters. This case in my opinion is distinguishable from the one under consideration in that the Texas Constitution provides that, "The residence of a single man is where he usually sleeps at night, etc." The question was raised as to single men in the Texas case. Our constitutional provision in Indiana differs materially from the Texas provision, in fact, so much so, that the rule laid down in the Texas case is not applicable to the situation before us here.

In view of what has been said by the court throughout the United States (the citations of which decisions would serve no useful purpose here), it is my opinion that the enrollees of this particular Civilian Conservation Corp Camp can not legally vote in Indiana at the coming general election in the absence of having previously to their enrollment in said camp established a residence which would entitle them to the right to vote in the county and precinct where such residence was established in Indiana.

ACCOUNTS, STATE BOARD OF: Recording of instruments containing more than one assignment. Fees chargeable by county recorder same as to releases of mortgages and leases.

November 10, 1938.

Hon. Wm. P. Cosgrove,
State Examiner,
Indianapolis, Indiana.

Dear Sir:

I have before me your request for an official opinion in answer to the following question:

"What is the correct fee to be charged by county recorders for recording an instrument containing a