

elections before the hour for the close of the polls on election day but too late to be distributed to the proper precincts the same shall be opened by the board of deputy state supervisors of elections and the ballots therein counted, accredited and prescribed as is done with ballots received after the distribution of supplies in precincts where no registration is required."

The privilege of voting by absent voter's ballot is purely a statutory proceeding. It provides that at any time not more than thirty days, nor less than three days prior to the day of election, the elector who has made application for and received the absent voter's supplies may appear before a proper officer and proceed to exercise this privilege by properly marking and mailing his ballot. It will thus be seen that ample time is provided for the exercising of this privilege.

The importance of having all ballots in at the close of the polls is also apparent. However, it would seem that the language of the statute is specific and controlling, when it provides for the counting of absent voter's ballots "received" by any board of deputy state supervisors of elections, "before the hour for closing the polls on election day."

It is also believed that this provision is to be strictly construed and the privilege thus exercised must be clearly within the provisions of the statute.

It is therefore my opinion that absent voter's ballots received by the deputy state supervisors of election, after the closing of the polls on election day, cannot be counted.

Respectfully,
C. C. CRABBE,
Attorney General.

2033.

APPROVAL, ELEVEN (11) OHIO CANAL LEASES, SEVEN (7) MIAMI AND ERIE CANAL LEASES, SIX (6) INDIAN LAKE LEASES, SIXTEEN (16) BUCKEYE LAKE LEASES, NINE (9) LAKE ST. MARYS LEASES, THREE (3) PORTAGE LAKE LEASES AND TWO (2) WATER LEASES.

COLUMBUS, OHIO, December 5, 1924.

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

Gentlemen:—

I have your letter of December 1, 1924, in which you enclose the following leases, in triplicate, for my approval:

<i>Ohio Canal</i>	<i>Valuation</i>
James Meinhart, land at Massillon-----	\$1,866 67
The Ohio Power Co., pole line, Hocking Canal-----	1,800 00
C. G. Faries, Filling Station, Hocking Canal-----	1,666 67
W. S. Bloomberg, canal land at Massillon-----	1,566 67

Andrew Smith, canal land in Scioto County-----	\$833 33
J. W. Glick, canal land at Groveport-----	500 00
The Logan Gas Co., gas main under canal-----	400 00
G. L. Schupp, canal land, Tuscarawas County-----	225 00
Charles T. Graham, canal land, Fairfield County-----	183 33
C. E. and H. J. Ortt, land at Newcomerstown-----	150 00
W. D. Tremper, land in Scioto County-----	600 00

Miami and Erie Canal

	<i>Valuation</i>
E. A. Todd, land in Piqua-----	\$2,400 00
Smith & Patton, Motor Sales Co., Defiance-----	1,666 67
St. Marys Woolen Mfg. Co., St. Marys-----	1,000 00
F. W. Uhlman, land at Defiance-----	1,250 00
Thomas E. Turner, land at Franklin, Ohio-----	600 00
W. C. Reed, land at Piqua-----	500 00
Vera E. and Edward Meyer, land in Troy, Ohio-----	216 67

Indian Lake

	<i>Valuation</i>
H. E. Bowling, roadway, Indian Lake-----	\$20,000 00
C. S. Lawson, dock landing-----	1,138 88
Nathan Coon, cottage site-----	833 33
H. G. Mosier, cottage site-----	400 00
Leona Schirren Frysinger, cottage site-----	366 67
Grace E. Middleton, cottage site-----	400 00

Buckeye Lake

	<i>Valuation</i>
C. L. and W. L. Flory, cottage site-----	\$766 67
Samuel F. Van Voorhis, cottage site-----	616 67
F. C. Martin, Lot 1, Orchard Island-----	766 67
F. C. Martin, Lot 10, Orchard Island-----	366 67
F. A. Lambert, cottage site, Orchard Island-----	433 33
Vernon L. Nelson, cottage site, Orchard Island-----	410 00
C. H. Davis, cottage site, Orchard Island-----	388 33
C. M. Blose, Lot 6, Orchard Island-----	383 33
L. D. and Laura Rogers, Lot 12, Orchard Island-----	366 67
Henry S. Barricklow, Lot 14, Orchard Island-----	300 00
Earl Watkins, Lot 13, Orchard Island-----	300 00
O. L. Syfert, part of Lots 8 and 9, Orchard Island-----	283 33
Charles Riehl, Lot 19, south of Lakeside-----	400 00
John F. Ward, Lot 52, south of Lakeside-----	400 00
Harry J. Leahy, Lot 22, south of Lakeside-----	400 00
Elizabeth D. Mooney, Spring Run Island-----	1,000 00

Lake St. Marys

	<i>Valuation</i>
C. E. Oehler, south half of Lot 23, east bank-----	\$200 00
J. C. Roberts, north half of Lot 29, west bank-----	200 00
Ralph Ferris, Lot 23, east bank (north half)-----	200 00
William Ferris, Lot 22, east bank-----	400 00
C. H. Drake, Lot 29, east bank-----	400 00
Henry Makley, north half of Lot 18, east bank-----	200 00
E. O. Wolfkill, Lot 50, west bank-----	400 00
Mrs. E. O. Wolfkill, Lot 49, west bank-----	400 00
The Lookout Club, south half of Lot 24, east bank-----	200 00

<i>Portage Lakes</i>	<i>Valuation</i>
Roscoe Allerton, store-house site-----	\$800 00
R. H. Cross, boat-house site-----	100 00
H. C. Cochran, boat-house, bathing beach-----	100 00

<i>Water Leases</i>	<i>Valuation</i>
Charles Bentz, one inch pipe, Indian Lake-----	\$166 67
Chicago & Erie R. R. Co., 8 inch pipe, M. & E.-----	7,300 00

I have carefully examined said leases, find them correct in form and legal, and am therefore returning the same with my approval endorsed thereon.

Respectfully,

C. C. CRABBE,
Attorney General.

2034.

COMBINING OF PROBATE COURT WITH COURT OF COMMON PLEAS—
DATE CONSOLIDATION SHALL TAKE EFFECT.

SYLLABUS:

1. Pursuant to the provisions of Section 1604-3 G. C., when a majority of the votes cast at an election shall be in favor of combining the probate court with the court of common pleas of a given county, such courts shall stand combined and consolidated at the expiration of the term, for which the probate judge, then serving has been elected.

2. The constitutionality of the above mentioned section is not considered in this opinion.

COLUMBUS, OHIO, December 6, 1924.

HON. S. S. BEARD, *Prosecuting Attorney, Paulding, Ohio.*

Dear Sir:—

This will acknowledge receipt of your recent communication requesting the opinion of this department as follows:

“At the recent election, the question of combining the Probate Court with the Common Pleas Court was submitted to the electors of his county. It carried by a substantial majority. At the same election a candidate was elected to the office of probate judge. The term of the present probate judge will expire on the 9th day of February, 1925. We would be pleased to have an opinion as to when the two offices shall be combined.”

Section 1604-3 G. C. governs the conduct of an election, the form of the ballot, and the procedure generally for the submitting of this question to the voters. The last paragraph of this section containing the language material for this inquiry is as follows: