

1347.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE SOUTHWESTERN PORTLAND CEMENT COMPANY OF OSBORNE, OHIO, FOR CONSTRUCTION OF A SWITCH TRACK AT GRADE ACROSS INTER-COUNTY HIGHWAY NO. 525, GREENE COUNTY, OHIO.

COLUMBUS, OHIO, December 12, 1927.

HON. GEORGE F. SCHLESINGER, *Director of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—Receipt is acknowledged of your communication of recent date enclosing for my approval a proposed agreement between the State of Ohio, acting by and through G. F. Schlesinger, as Director of Highways and Public Works, and The Southwestern Portland Cement Company of Osborne, Ohio. This agreement grants a license to said company to lay a switch track at grade across Inter-County Highway No. 525, in Greene County, Ohio.

I have carefully examined the provisions of said contract and find that the same conforms to the requirements heretofore laid down by this department as to a contract of a similar nature.

I have reference to Opinion No. 78 addressed to the Director of Highways and Public Works on the 12th day of February, 1927, in which it was held:

“1. The Department of Highways and Public Works may consent to the construction of a switch track across an inter-county highway or main market road upon such terms and conditions as will protect the interests of the traveling public.

2. In consenting to the placing of structures upon an inter-county highway or main market road, the Department of Highways and Public Works cannot bargain away its right to have such structures removed whenever, in the exercise of reasonable judgment, such structures become obstructions in the use by the traveling public of such road.”

Finding that said contract properly protects the interests of the state in that it merely grants a license to lay said tracks in said highway, which is revocable at will, and is in all other respects in proper legal form, I am hereby approving the same.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

1348.

ELECTIONS—STATUTORY PROVISION FIXING TIME FOR OPENING AND CLOSING POLLS, DIRECTORY, NOT MANDATORY—ELECTOR MAY VOTE WHEN WITHIN POLLING PLACE AT CLOSING TIME.

**SYLLABUS:**

*The statutory provision fixing the time for opening and closing the polls on election day is directory and not mandatory. A duly qualified elector who presents himself or herself at the polling place and who is within the polling place at the hour for*