

tuting the prosecutions. However, as above stated, there would seem to be no objection to the collection of the mileage in a proper case and applying it to the expense of such employe.

Respectfully,
C. C. CRABBE,
Attorney General.

556.

POLLING PLACES—FOR TOWNSHIPS SHOULD BE WITHIN SAID
TOWNSHIP—SECTION 4844 G. C. CONSTRUED.

SYLLABUS:

Under section 4844 G. C., polling places for township precincts are to be at such places within the township as the trustees shall determine to be the most convenient of access for the voters of such township precinct.

Polling places for a municipal or ward precinct of a village are to be located at such places as the council thereof shall designate, whether within or without the precinct.

In registration cities, polling places are to be designated at such places within the precinct as the deputy state supervisors shall designate.

COLUMBUS, OHIO, July 5, 1923.

HON. THAD H. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—The receipt is acknowledged of your communication of recent date requesting the opinion of this department upon the following:

“We are asked for a construction of section 4844 G. C. The question asked of us comes from the City of Akron, where they desire to know whether the polling place for a city precinct may be located outside of that precinct, legally.”

Section 4844 G. C., about which you inquire, provides as follows:

“Elections shall be held for each township precinct at such place within the township as the trustees thereof shall determine to be most convenient of access for the voters of the precinct. Elections shall be held for each municipal or ward precinct at such place as the council of the corporation shall designate. In registration cities, the deputy state supervisors shall designate the places of holding elections in each precinct.”

In 67 O. L., 47, enacted April 12, 1870, it was provided that elections were to be held

“At such place within the township as the trustees thereof shall designate; and for each ward precinct, at such place *therein* as the council of the proper city or village shall designate.”

By the use of the word "therein", it was clearly indicated that the intention of the legislature at that time was that the polling place for a ward precinct should be located within the precinct.

In section 2923 R. S., 77 O. L., 40, enacted March 8, 1880, the provision was as follows:

" * * * At such place within the township as the trustees thereof shall determine to be the most convenient of access for the voters of such precinct, and for each ward precinct, at such place as the council of the corporation shall designate."

In 97 O. L., 191, enacted April 23, 1904, section 2923 R. S. was amended in the same form as the present section 4844 G. C. Since that time, although this section has been amended or re-enacted, 98 O. L., 234, April 2, 1906, the part of the section relating to the polling place for the precincts has remained the same.

In section 4844 G. C. it will be observed that provision is made that the polling place for precincts in villages shall be at such place as the council shall designate. It need not be within the territorial limits of the ward in the village, if the council so decides. It may be, and frequently is, as a matter of fact in the city hall, the city building, where all the wards of the village vote.

Then, as to "registration cities", the provision is: "The deputy state supervisors shall designate the places of holding elections *in each precinct.*" Thus, this section makes a distinction between villages and registration cities. The reason for such distinction is readily apparent.

I am therefore of the opinion that in registration cities, the voting places must be within the territorial limits of the precinct.

Respectfully,
C. C. CRABBE,
Attorney General.

557.

LEVY PROVIDED FOR BY SECTION 7643-3 G. C. IS WITHIN FIFTEEN MILL LIMITATION FIXED BY SECTION 5649-2 G. C.

SYLLABUS:

The levy provided for by section 7643-3 of the General Code is within the fifteen mill limitation as fixed by section 5649-2.

COLUMBUS, OHIO, July 6, 1923.

HON. HERBERT S. HIRSHBERG, *State Librarian, Columbus, Ohio.*

DEAR SIR:—I acknowledge receipt of your letter of recent date in which you submit in substance the question of whether the levy provided for by section 7643-3 is removed from the fifteen mill limitation by the provisions of section 7643-6.

The answer to your question depends upon the construction given to the words "which amount shall be allowed by the budget commission in addition to all other levies, provided such amount shall be within the limits as set forth in section three."

Section 7643-6 G. C. was enacted by the 84th General Assembly as a part of a bill dealing exclusively with libraries. Section 5649-2 G. C. is a general section,