upon the same subject-matter shall be construed together if at all possible.

Medias v. Indianapolis (1939), 216 Ind. 155;
State v. International Harvester Co. (1939), 216 Ind. 463;
Rosenbloom v. Hutchins (1944), 222 Ind. 590.

If these Acts are construed together, the entire balance at any time existing in the Enforcement and Administration Fund is appropriated and available to the commission under the 1941 Act subject to the condition that any amounts in excess of the specific appropriations made by Chapter 187 of the 1945 Acts can be expended only with the approval of the Budget Committee.

I do not conceive any other interpretation which would give full effect to each statute.

I am, therefore, of the opinion that the appropriation for the administration of the Alcoholic Beverage Commission and the enforcement of the Alcoholic Beverage Act as contained in Chapter 187 of the Acts of 1945 may be augmented and increased with the approval of the Budget Committee, even though the total appropriation, after such increase, will exceed the total current receipts of the Enforcement Fund and will necessitate expenditure of a part of the accumulated surplus of the Enforcement Fund.

OFFICIAL OPINION NO. 43

May 1, 1946.

Hon. Edwin Steers, Sr., Member,
State Board of Election Commissioners,
108 East Washington Building,
Indianapolis, Indiana.

Dear Sir:

I am in receipt of your letter of April 20th, requesting my official opinion upon the following questions:

"(1) May a person under twenty-one years of age, but who will be twenty-one years of age before the next
general election, but who is not registered, vote in the
primary election upon making affidavit, pursuant to
Section 85 of the Indiana Election Code?

“(2) May a person who is not qualified to register
before the primary by reason of his lack of the neces-
sary residence requirements, but who will be qualified
to vote in the general election, vote by affidavit in the
primary election?

“(3) May a person who is not registered to vote,
but who is otherwise qualified, vote in the primary by
making affidavit?”

I call your attention to Section 45 of the Indiana Election
Code (Sec. 29-3401, Burns’ 1945 Supp.) which reads as fol-
lows:

“Hereafter it shall be unlawful for any person to
vote at any general, primary or city election held in
this state unless such person is, at the time of such
election or primary, a registered voter under the re-
quirements of this article.”

Section 85 (Sec. 29-3603, Burns’ 1945 Supp.) reads as
follows:

“Each qualified voter of the precinct who, at the last
preceding general election, voted for a majority of the
regularly nominated candidates of the party holding
such election, or if he did not vote at the last preceding
general election, intends to vote at the next general
election for a majority of the regularly nominated
candidates of the party holding such election, shall be
entitled to vote at such election: Provided, That such
elector was registered as a voter at such previous gen-
eral election: And Provided, further, That if such
elector was not so registered, he shall make the affidavit
hereinafter provided for. It shall be the duty of the
county election board to furnish to the inspector of
elections in each of such precincts, for use on the day
of holding the primary, the last regularly prepared
registration book. If the name of such person offering to vote at such primary shall be found on such registration book, it is sufficient evidence of his right to vote, unless he is challenged as hereinafter provided for. Any person who will be a qualified elector at the election for which such primary is being held, whose name does not appear on such book of registration, shall be entitled to vote if he shall make affidavit that he is a qualified voter of such precinct. Any qualified legal voter in such precinct may challenge any voter or person who shall offer to vote at such election, and, when so challenged, such person shall not be entitled to vote unless he shall make an affidavit that he is a qualified legal voter of the precinct, that at the last preceding general election he affiliated with the party for whose candidate he proposes to vote in such primary and that he voted for a majority of the regular nominees of such party, and that he intends to support and vote for the regular nominees of such party at the coming election, or, if he did not vote at the last preceding general election, intends to vote at the next general election for a majority of the regularly nominated candidates of the party holding such election: Provided, That any qualified legal voter who was under twenty-one (21) years of age at the last preceding election, and who will have attained the age of twenty-one (21) years prior to the ensuing election, shall be entitled to vote at the primary of the party with which he intends to affiliate, and whose candidates he intends to vote for at the approaching election, and whenever any such person last named is challenged, it shall be sufficient if he shall make affidavit that he will be a qualified voter of the precinct at the next general election, and that he intends to support and vote for the regular nominees of the party for whose candidate he proposes to vote for in such primary, and Provided, That no challenge on the ground of party affiliation can be made by any one except a member of the party for whose candidates the voter is offering to vote at such primary.” (Our emphasis.)
In construing these sections effect must be given, if possible, to all provisions and none of the provisions will be ordinarily regarded as surplusage,

State *ex rel.* v. Board (1937), 211 Ind. 643, 646;  
McQuaid *v.* State *ex rel.* (1937), 211 Ind. 595, 600; 

and the specific mention of a matter in one part of an act will control general provisions contained in another part of the act.

Peoples T. & S. Bank *v.* Hennessey (1938), 106 Ind. App. 257, 275;  
State *v.* Shanks (1912), 178 Ind. 330, 335.

I am, therefore, of the opinion that the specific provisions of Section 85 concerning primaries control over the general provisions of Section 45 and that a voter who is not registered but who intends to register and vote at the next general election and will be then qualified to vote, may vote by affidavit in the primary.

I believe that this is particularly true in this instance by reason of the fact that Section 51 (Sec. 29-3407, Burns' 1945 Supp.) of this act provides for certificates of error at general or city elections only and does not provide for such certificates at primary election, and unless voting by affidavit is permitted in the primary there would be no remedy whatever for those whose registration has been misplaced or lost.

This opinion does not in any way conflict with opinion of the Attorney General, 1944, page 408, which was given in regard to a general election under a former law.

I am, therefore, of the opinion that your questions must be answered as follows:

Upon making the proper affidavit, as provided for in Section 85 of the Indiana Election Code:

1. A minor who will attain his majority before the next general election and who will be otherwise qualified to vote at that election may vote in the primary even though he is not registered to vote.

2. A person who does not at the time of the primary, and has not been registered to vote by reason of a lack of residence
requirements, but who will be qualified to vote in the following general election, may vote in the primary election.

3. A person otherwise qualified but who is not registered to vote may vote in the primary election.

This opinion is restricted solely to the matter of voting in primary elections and has no connection with voting in the general election.

OFFICIAL OPINION NO. 44

May 2, 1946.

Hon. Milton Matter, Director,
Indiana Department of Conservation,
140 North Senate Avenue,
Indianapolis 4, Indiana.

Dear Mr. Matter:

I have your letter of recent date requesting an official opinion upon the following question:

"I will appreciate it if you will advise me whether land owned by the State and under the care, custody and control of the Indiana Department of Conservation, is subject to special assessments under the statute which authorizes proceedings for the construction or repair of drainage ditches."

It is a general rule of law that in the absence of legislative permission, state property is not subject to special assessment for public improvements, such as, the construction or repair of drainage ditches.

48 American Jurisprudence, Section 87, page 641;
Edgerton v. The Huntington School Township (1890), 126 Ind. 261, 264-265;
School Town of Windfall City, et al. v. Somerville, et al. (1913), 181 Ind. 463, 475-477;
90 A. L. R. 1137, 1143.