a legal right to demolish a public school building. You state that the occasion of the question arises out of the fact that a certain township in the state has two buildings, one in which an elementary and high school is now being held and another eight-room building in which school is now being held in only one room. The buildings are three miles apart. You state that the township trustee is applying for a Federal project grant for the purpose of repairing the consolidated high school building and that the Federal officials are requesting a statement that the eight-room building will be demolished upon the completion of the project.

I do not think there is any authority whereby a township trustee, under the statutes of the state, may demolish a public school building. The trustee, under certain circumstances, has the power to change and re-establish the site of any school building and remove said building to a new site. (Burns’ Indiana Statutes Annotated (1933) Sec. 28-2701.) The trustee of a township is given the authority, in fact is required, under certain circumstances, to abandon temporarily schools under his charge (Burns’ Indiana Statutes Annotated (1933) Sec. 28-2803); and he may, by following the procedure set out in the statute, sell the abandoned school house (Burns’ Indiana Statutes Annotated (1933) Secs. 28-3316 and 28-3317), but I find no statute which would authorize a trustee to demolish a building.

ELECTION COMMISSION, STATE: Elections—Authority of election sheriffs at voting places.

April 22, 1938.

Hon. W. W. Spencer,
State Election Commissioners,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your letter of recent date, in which you submit the following question:

"Have any peace officers of the state of Indiana, or of any unit thereof, or any municipality, any power, right or authority to go within 50 feet of any polling place, at a primary or general election, except to serve
process of courts duly issued, or to vote, in any other instances whatever, except when summoned by the election sheriffs of such polling place, or by the election board or a member thereof?"

In reply to this question, your attention is directed to section 29-807, Burns' Indiana Statutes 1933 Revision, which provides that the chairman of the county central committee of the political party whose candidate for the office of secretary of state received the highest vote in such county and the chairman of the county central committee of the political party whose candidate for the office of secretary of state received the next highest vote in such county shall each have the right to nominate voters having the proper qualifications for one judge, one poll-clerk, one assistant poll-clerk and one election sheriff for each voting precinct in the county, which nominations shall be in writing and filed in the office of the clerk of the circuit court seven days before such election. The County Board of Election Commissioners shall appoint the voters so nominated for such offices. Such sheriffs must be qualified voters of the precinct.

Section 29-806, Burns' Indiana Statutes 1933 Revision, reads in part as follows:

"Such board of election commissioners shall appoint for each precinct in the county two (2) election sheriffs of opposite political faith, who shall attend the polling-places in their respective precincts from the opening of the polls to the conclusion of the count. It shall be their duty to preserve order at the polls and enforce the provisions of the election law under the direction of the election board, and make arrests on the demand of a member of the board, or an affidavit, as now provided by law. If any election sheriff shall fail to appear at the opening of the polls, the member or members of the election board of his political party shall appoint a person to act in his place. No other peace officers of the state, or any division thereof, shall be allowed within fifty (50) feet of the polls, except to serve process of courts or to vote, unless summoned by the election sheriffs. No person other than the election officers shall remain within fifty (50) feet of the polls except when voting: * * *"
It will be noted, from a reading of the above section, that peace officers of the state or any division thereof are not allowed within fifty feet of the polls, except to serve process of courts or to vote, unless summoned by the election sheriffs. It is apparent, from the above section, that the election boards and the sheriffs who are duly appointed to attend such elections are, under the law, the only law enforcing officers who are permitted within fifty feet of the polling places during the time when such election is in progress.

It will be noted that the above quoted sections apply to general elections. However, your attention is directed to section 29-507, Burns' Indiana Statutes 1933 Revision, which governs primary elections and is substantially the same as the law governing general elections, except that the county chairman may nominate such election officers within five days of the date of holding such primary.

This Act further provides that the sheriffs for such primary shall be appointed in the same manner as sheriffs are appointed at regular elections, and "the said members of said primary boards and the officers thereof shall perform the same duties, have the same qualifications, take the same oath as are required of the said officers at any general election."

It is my opinion, therefore, that the election sheriffs have superior authority over any peace officer in the enforcement of the election laws in both the primary and general elections at the polling places, including the distance of fifty feet thereof.

LABOR, DIVISION OF: Assignment of wages, construction of statute with reference to amount which may be assigned.

April 26, 1938.

Mr. Thomas R. Hutson,
Commissioner of Labor,
State House,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter requesting an official opinion with reference to the construction of section 40-206 Burns'