

and for the use and benefit of the Ohio Agricultural Experiment Station, grants of land and to apply the same to the general or special use of the Ohio Agricultural Experiment Station, as directed by the donor.

It is quite clear, therefore, from the statutory provisions above referred to that the Ohio Agricultural Experiment Station, through its Board of Control, is authorized to accept the conveyances of the parcels of land here in question, in the name of the State of Ohio and for the use and purposes indicated in such conveyance.

I am, therefore, accordingly approving this deed as to legality and form, as is evidenced by my approval endorsed upon the deed and am returning herewith the deed form.

Respectfully,

JOHN W. BRICKER,
Attorney General.

4884.

CAREY ACT—COUNTY COMMISSIONERS UNAUTHORIZED TO GIVE CASH RELIEF UNDER CAREY ACT.

SYLLABUS:

A Board of County Commissioners has no power in the administration of funds derived from the sale of bonds issued under the authority of Section 2 of House Bill 501 (116 O. L. 571), enacted at the regular session of the 91st General Assembly, to extend aid by way of "cash relief".

COLUMBUS, OHIO, November 9, 1935.

HON. FRANK T. CULLITAN, *Prosecuting Attorney, Cleveland, Ohio.*

DEAR SIR:—I am in receipt of your communication which reads as follows:

"I have been requested by the Board of County Commissioners of Cuyahoga County to obtain your opinion upon the following question:

Whether in the administration of funds derived from the sale of bonds issued under the authority of Section 2 of House Bill 501, passed May 23, 1935, (116 O. L. 571), it is permissible to extend aid by way of cash relief, instead of direct relief."

Section 2 of House Bill No. 501, the so-called Carey Act (116 O. L.

571), enacted by the 91st General Assembly at its regular session, provides in part:

* * *

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* * *

The proceeds of the bonds issued under the provisions of this section shall be expended *for poor relief* and for the payment of premiums to the industrial commission of Ohio for the public work-relief employes' compensation fund, *in accordance with the provisions of section 2 of Amended Senate Bill No. 4, passed March 31, 1932, approved April 5, 1932, as said section 2 is amended by House Bill No. 7 (115 O. L., pt. 2, page 31), passed August 23, 1933 and approved August 25, 1933.*" (Italics the writer's).

The foregoing reference to Sec. 2 of Amended Senate Bill No. 4 as amended by House Bill 7, requires a consideration of both sections 1 and 2 of such House Bill No. 7 and they read as follows:

"Sec. 1. The following definitions shall be applied to terms used in this act:

- a. The term "taxing authorities" shall mean "county commissioners".
- b. The term "work-relief" shall mean "relief given in exchange for labor."
- c. *The term "direct relief" shall mean the furnishing of food, clothing, shelter, fuel and medical attention in the home.*

Sec. 2. Funds raised under this act by the issue of bonds shall be used for poor relief. Any subdivision administering funds raised under this act shall require labor in exchange for relief given to any family where there is a wage earner or wage earners, except in cases which may be exempted in accordance with rulings that may be made by the state relief commission. "Poor relief", in the case of a county, shall mean the furnishing of temporary support and medical relief to non-residents, pursuant to sections 3476 and 3484-2 of the General Code, and the furnishing of direct and work relief by county commissioners *under the provisions of section 9 of this act*. In the case of a township, "poor relief" shall mean the direct relief of the poor as defined in this act; in the case of municipal corporations, "poor relief" shall mean the direct relief of the poor as defined in this act; in the case of any political subdivision, said term shall include work relief and *direct relief* of the poor *as defined in this act*. Under the provisions of this act, it shall be permissible for a county, city or township, to give relief to needy

unemployed who cannot be termed "indigent" under section 3476."
(Italics the writer's).

"Section 9 of this Act" referred to in the above quoted section, is Section 9 of Senate Bill No. 63, enacted at the regular session of the 90th General Assembly (115 O. L. 29). There is no provision in this section having reference to any "cash relief". Moreover, the provisions of Section 9 were in force and effect only up until March 1935. It is also significant to note that the term "direct relief" in Section 1 of Amended Senate Bill No. 4, enacted by the 89th General Assembly, in its second special session (114 O. L. pt. 2, p. 17) was formerly broader in its scope than as defined supra, in Section 1 of House Bill No. 7 (115 O. L. pt. 2, p. 31). Evidently the General Assembly in limiting the definition of "direct relief" intended to clearly exclude "cash relief". It was formerly defined as:

"The term 'direct relief' shall mean 'any relief given other than work relief and institutional relief'."

The question presented by your inquiry then narrows itself down to whether or not "cash relief" may be given in view of the definition of "direct relief" contained in Section 1 of House Bill No. 7 enacted in the first special session of the 90th General Assembly, such section providing in part:

"c. The term "direct relief" shall mean the furnishing of food, clothing, shelter, fuel and medical attention in the home."

The word "furnishing" must be construed with reference to the particular statute in which it is employed, and in relation to the subject matter of such statute. It is a well established rule, with reference to the interpretation of statutes, that the words of a statute are to be taken in their ordinary and popular meaning, unless the language of the Act itself shows that a different meaning was intended. 2 *Sutherland Stat. Constr.* Section 389; Black "*Interpretation of Laws*", Section 57; *Smith vs. Buck*, 119 O. S. 101, 105; *Kiefer vs. State*, 106 O. S. 285, 289; *Woolford Realty Co., Inc., vs. Rose*, 286 U. S. 319.

What is the popular meaning of the words "furnish" or "furnishing"? *Webster's New International Dictionary* defines the term "furnish", in so far as relevant, as follows:

"To provide for; to provide what is necessary for; to fulfill or satisfy the needs of; * * *

To provide; supply; afford; specif; to supply (a person or thing with something) as, to furnish the hungry with food; * * *

Similar definitions are contained in *Funk and Wagnalls* and *Webster's Twentieth-Century* dictionaries.

I am unable to find any definition of the word "furnish" of such a scope of meaning that the giving of cash to a particular indigent with instructions that he use such cash for obtaining food, clothing, shelter, fuel, etc. is *furnishing* such indigent with food, clothing, shelter, fuel, etc. as it is apparent that the indigent may use the money for other purposes than any of the enumerated purposes for which the money was given him, and certainly in such case he is not *furnished* the necessities enumerated in the definition of "direct relief".

I also call your attention, for reference purposes, to an opinion of one of my predecessors in office on "cash relief" which involved a construction of all permanent poor relief laws, Sections 3476 et seq. In the *Opinions of the Attorney General for 1925*, page 544, it was held, as disclosed by the syllabus:

"Sections 3476, et seq. of the General Code, which provide for the granting of relief to the poor, do not contemplate or authorize the giving of cash to such persons."

With reference to "cash relief" during the life of the State Relief Commission, it should be recalled that the definition of "direct relief" was broader in its scope than it now is and also it should be remembered that a large portion of the funds were Federal funds whereas in the present case the question is simply whether or not "cash relief" may be given out of the proceeds of certain county bond issues.

County Commissioners, like other public officers, have those powers and only those expressly given them by statute or those powers necessarily implied from such express statutory powers. *State ex rel. vs. Commissioners*, 8 N. P. (n. s.) 281, 20 O. D. (N. P.) 879; affirmed *Ireton vs. State ex rel.*, 12 C. C. (N. S.) 202; 21 O. C. D. 212, 412; affirmed without opinion in *Ireton vs. State*, 81 O. S. 562; *State ex rel. vs. Kraft*, 19 O. A. R. 454, 456; *Peter vs. Parkinson, Treas.* 83 O. S. 36, 49; *Jones, Auditor vs. Commissioners of Lucas County*, 57 O. S. 189; *Elder vs. Smith, Auditor et al*, 103 O. S. 369, 370; *State ex rel. Copeland vs. State Medical Board*, 103 O. S. 369, 370; *Civil Service Commission vs. State, ex rel.*, 127 O. S. 261.

Consequently, in view of this well settled rule of public law, it is my opinion that a Board of County Commissioners has no power in the administration of funds derived from the sale of bonds issued under the authority of Section 2 of House Bill 501 (116 O. L. 571), enacted at the regular session of the 91st General Assembly, to extend aid by way of "cash relief".

Respectfully,

JOHN W. BRICKER,
Attorney General.