

the State Relief Commission under said house bill. The allocations made to a county by the State Relief Commission under House Bill 627 could be expended only under the provisions of that act. Likewise, Section 4 of said house bill required each county to transfer the unexpended or unencumbered balance of any moneys in its emergency poor relief fund or in its county poor relief excise fund to the county relief fund and provided that all such moneys shall be used for poor relief according to the provisions of said house bill and not otherwise.

Of course, the amount of such allocations which would have been made to such counties which had not issued bonds prior to January 1, 1936 or which had not issued all they were authorized to issue, would not necessarily be the amount computed by the methods contained in Sections 6, 6a and 6c, nor would it necessarily be the amount which has actually been allocated to such counties by the State Relief Commission. Since allocations were made by the State Relief Commission on the basis of need and since the Supreme Court in the case of *State, ex rel. v. Wildermuth*, 131 O. S., 457, held that notwithstanding the mandatory language of Sections 6, 6a and 6c the State Relief Commission was vested with discretion in determining the amounts to be allocated to the counties, the amount which could have been expended by a county would be the amount which would have been allocated to it by the State Relief Commission under Sections 6, 6a and 6c, had such bonds been issued prior to January 1, 1936, plus the amount of the proceeds of such bonds.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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6183.

APPROVAL—CONTRACT FOR HIGHWAY IMPROVEMENT IN  
SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, October 15, 1936.

HON. JOHN JASTER, JR., *Director, Department of Highways, Columbus, Ohio.*