

The provisions in Section 5 of House Bill No. 627, that "the sum total of all salaries, compensations, administrative expense, clerical expense, incidental expense, and the expense of investigation and all other expenses of the county commissioners" clearly means *administration expenses*, inasmuch as the words immediately following the above quoted words are "*in administering and carrying on the poor relief and poor relief work herein designated.*"

It is a cardinal rule of statutory construction that each section of an act must be construed, if possible, in harmony with the other sections of the act. Black on Interpretation of Laws, pages 60 and 61.

Inasmuch as it is my opinion that the payment of money to physicians for the rendition of medical services to indigents is clearly within the legislative definition of "direct relief" in Section 1 of House Bill No. 627, it is my opinion that in order to harmonize Section 1 of the Act with Section 5 of the Act, it necessarily follows that the payment of a monthly salary to physicians in pursuance of a contract for medical care rendered to indigents on the relief rolls is not an "administration expense" and is not a salary or compensation of an administrative official or employe within the purview of Section 5 of House Bill No. 627.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5330.

WORK RELIEF—ADMINISTRATION DUTIES NOT INCLUDED
IN WORK RELIEF PROJECT.

SYLLABUS:

The definition of "work relief" contained in Section 1 of House Bill No. 627, does not include a "work relief project" of poor relief administration duties.

COLUMBUS, OHIO, April 6, 1936.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN: I am in receipt of your request for my opinion which reads as follows:

"Section 1 of House Bill No. 627, passed January 23, 1936, and approved January 30, 1936, provides a definition of 'work relief'.

This act provides further that the county commissioners

shall investigate all applications for relief and shall keep complete records of relief cases and the cost of relief furnished, and in section five limits administration expense to five percent 'of the total amount of the respective monthly expenditures authorized by this act.'

Apparently the larger counties are finding it impossible to operate in accordance with the requirements of the act, on the five percent basis, and the question is being submitted as to whether administration duties can be performed as a work relief project."

Section 5 of House Bill No. 627, enacted in the First Special Session of the 91st General Assembly provides inter alia :

"The sum total of all salaries, compensation, administrative expenses, clerical expense, incidental expense, and the expense of investigation and all other expenses of the county commissioners in administering and carrying on the poor relief and poor relief work herein designated, paid out of the funds created by, or distributed under this act, shall not exceed five (5%) per cent of the total amount of respective monthly expenditures authorized by this act. * * *"

Section 1 of House Bill No. 627, provides in part :

"* * * The term 'work relief' shall mean relief given in exchange for labor;

Out of the funds herein provided the board of county commissioners of any county may provide work and actually expend in each calendar month for work relief not more than twenty-five percent (25%) of the monthly amounts available under this act. * * *"

It is a cardinal rule of statutory construction that a statute is to be so construed as to be consistent with itself throughout its extent and it is not permissible, if it can be reasonably avoided, to put a construction upon a law as will raise a conflict between different parts of it. That is, each section of an act must be construed, if possible, in harmony with the other sections of the act. Black on Interpretation of Laws, pages 60 and 61.

The legislative intent and the words expressive of this intent in Section 5 of House Bill No. 627, quoted in part supra, clearly indicate that all administration expense for poor relief that may be paid "out of the funds created by or distributed under this Act" shall not exceed five (5%)

percent of the total amount of monthly expenditures authorized by House Bill No. 627. The expression of such intent being clear and unambiguous in Section 5, it is not subject to any interpretation. As stated by the Supreme Court of Ohio, in the case of *Slingluff v. Weaver*, 66 O. S., 621, 64 N. E., 574:

“The intent of the lawmakers is to be sought first of all in the language employed, and if the words be free from ambiguity and doubt, and express plainly, clearly and distinctly the sense of the lawmaking body, there is no occasion to resort to other means of interpretation. The question is not what did the General Assembly intend to enact, but what is the meaning of that which it did enact. That body should be held to mean what it has clearly expressed, and hence no room is left for construction.”

Although the types of “work relief” that may be authorized by the Board of County Commissioners are not clearly defined in the definition of “work relief” in Section 1 of House Bill No. 627 quoted supra, resort to the clear and unambiguous terms of Section 5 of the Act indisputably demonstrates that administration duties are not within the definition of “work relief” inasmuch as five (5%) percent is the monthly maximum allowed for administration purposes, whereas twenty-five (25%) percent is fixed as the monthly maximum for “work relief.” The well-known rule of statutory construction of “*expressio unius est exclusio alterius*” is applicable inasmuch as it is within this cognate principle that specific provisions relating to a particular subject, (in this case administration expenses of poor relief) must govern in respect to that subject as against general principles in other parts of the law which might otherwise be broad enough to include it. See Vol. II, Sutherland’s Statutory Construction, page 919.

Moreover, to interpret “work relief” in Section 1 of House Bill No. 627 as including administration duties as a “work relief project” would be allowing something to be done indirectly which is expressly prohibited by Section 5 of the Act, inasmuch as it would be allowing administration expenses in excess of the five (5%) percent limitation therein provided. It is a well recognized principle of law in Ohio that one cannot do indirectly what is directly prohibited. In the case of *State ex rel. v. Saford*, 117 O. S., 576, at page 582, it is stated:

“The principle of denying the right to do by indirection what cannot be done by direct method is thus clearly recognized.”

It was also stated in the case of *State ex rel. v. Warner*, 128 O. S., 281, at page 284:

“The asserted right to do by indirection that which under the law cannot be directly accomplished was rejected by this court in the *Safford* case, *supra*, and for similar reasons must be rejected in this case.”

Respectfully,

JOHN W. BRICKER,
Attorney General.

5331.

APPROVAL—BONDS OF NEW BAZETTA RURAL SCHOOL DISTRICT, TRUMBULL COUNTY, OHIO, \$12,000.00.

COLUMBUS, OHIO, April 6, 1936.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

5332.

APPROVAL—LEASE FOR OFFICE ROOMS FOR USE OF SALES TAX DIVISION, IN CLEVELAND, OHIO—LOCOMOTIVE ENGINEERS' BUILDING ASSOCIATION OF CLEVELAND, OHIO.

COLUMBUS, OHIO, April 6, 1936.

HON. CARL G. WAHL, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR: This is to acknowledge receipt of your communication, enclosing for my approval a lease, whereby the Brotherhood of Locomotive Engineers' Building Association of Cleveland, Ohio, as lessor, leases and demises unto you, as Superintendent of Public Works and as Director of said Department, for the use of the Sales Tax Division of the Tax Commission of Ohio, Room No. 322 in the Brotherhood of Locomotive Engineers' Building, Cleveland, Ohio. Said lease is for a term of ten months from March 1, 1936, to December 31, 1936, at a monthly rental of \$32.00 per month.

Upon examination, I find the lease to be in proper legal form. The encumbrance estimate shows that the Director of Finance has certified that funds are available to pay the first two months rental, which is be-