

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute a valid and legal obligation of said city.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1017.

APPROVAL—ARTICLES OF INCORPORATION OF THE MUTUAL HOSPITALIZATION ASSOCIATION.

CLEVELAND, OHIO, August 16, 1937.

HON. WILLIAM J. KENNEDY, *Secretary of State, Columbus, Ohio.*

DEAR SIR: This will acknowledge receipt of your letter of August 16th, enclosing articles of incorporation of the Mutual Hospitalization Association for my approval.

I have examined the foregoing articles of incorporation and finding the same not to be inconsistent with the constitution or laws of the United States or the State of Ohio, have endorsed my approval thereon and return the same to you herewith.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1018.

NON-RESIDENT WPA WORKER—LEGAL SETTLEMENT FOR PURPOSE OF RELIEF, WHEN

SYLLABUS:

A non-resident WPA worker, having lived in any county in the State of Ohio for a period of twelve consecutive months and supported

himself and his family for said period, thereby obtains legal settlement in said county for purposes of relief.

COLUMBUS, OHIO, August 17, 1937.

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

DEAR SIR: Your recent communication requesting my opinion, reads as follows:

“A question of State wide importance has arisen with reference to relief to non-resident families who have maintained themselves for twelve consecutive months on WPA projects in various municipalities in this county.

Specifically, A brought his family to Cleveland from North Carolina and was assigned to WPA work in November, 1935, and received no further direct relief. He was laid off WPA June 23, 1937.

The question arises as to whether or not A gained a legal settlement in the municipality or township by continuous residence for more than twelve months during which time he supported himself and family under Section 3477 of the General Code.

Your attention is called to Opinion 2473 rendered by the Attorney General in 1934, Volume I.

Under that opinion if WPA is a civil works service project it might be inferred that A did not obtain a legal settlement under Section 3477 of the General Code. On the other hand the reasoning that A received monetary remuneration for his services and supported himself and family for more than twelve consecutive months and thereby gained a legal settlement, is the same. The further question is presented as to whether work on a WPA project is ‘relief from any charitable organization or other benevolent association which investigates and keeps a record of facts relating to persons who receive or apply for relief’ under Section 3477 G. C.”

I desire to refer to O.A.G. for 1934, Vol. I, p. 419, inasmuch as you have cited the same, and say that it has no bearing on the question herein presented due to the fact that the PWA & CWA were set up under an entirely different law and different circumstances than the WPA.

The question you have presented is whether or not such a person has obtained legal settlement in Ohio for the purposes of poor relief by

the counties or by municipalities. Section 3477, General Code, provides as follows:

“Each person shall be considered to have obtained a legal settlement in any county in this state in which he or she has continuously resided and supported himself or herself for twelve consecutive months, without relief under the provisions of law for the relief of the poor, or relief from any charitable organization or other benevolent association which investigates and keeps a record of facts relating to persons who receive or apply for relief.

It will be noted that a person does not obtain a legal settlement in Ohio if he obtains relief under any of the following conditions or circumstances:

1. Relief under the provisions of the law for the relief of the poor.
2. Relief from any charitable organization, etc.
3. Relief from any other benevolent association which investigates and keeps a record of facts relating to persons who receive or apply for relief.

It remains to determine then whether work on a Works Progress Administration project is the result of any law for the relief of the poor or is relief by a benevolent association or a charitable organization. It is obvious at the outset that the Works Progress Administration is not and could neither be classed as a charitable organization nor a benevolent association. Is it then relief for the poor? The Works Progress Administration was set up by executive Order No. 7034 of the President of the United States, which was effected under authority of the Emergency Relief Appropriation Act of 1935. Section 1 of said act reads in part as follows:

“That in order to provide relief, work relief *and to increase employment* by providing for useful projects, there is hereby appropriated * * *.”

Various provisions are made for relief, others for work relief and still others to increase employment by construction projects. Section 4 of said act gives the President of the United States power to establish and prescribe the duties and functions of the necessary agencies within the government to carry out the intention of the act. It was by virtue of Section 4 of said act that the President set up, among other bureaus and commissions, the Works Progress Administration. In the order above referred to it is provided that the *Works Progress Administration*

shall be responsible to the President for the honest, efficient, speedy and co-ordinated execution of the work relief program as a whole and the execution of that program in such manner as to move from the relief rolls to work on such projects or any private employment the maximum number of persons in the shortest time possible.

It is further provided to illustrate the intent of said order under Section 3, with the approval of the President to prescribe rules and regulations, (a) to assure that as many of the persons employed on all work projects as is feasible shall be persons receiving relief. It can be seen that relief and work relief are readily distinguishable. A person obtaining work relief is taken from the relief rolls and put to work on constructive undertakings and receives monetary remuneration for work done. Such a person then becomes an employee of the United States and does not obtain relief under the law for the relief of the poor, relief from a charitable organization nor a benevolent association within the purview of Section 3477, General Code.

It is my opinion, therefore, that a non-resident WPA worker having lived in any county in the State of Ohio for a period of twelve consecutive months and supported himself and his family for said period, thereby obtains legal settlement in said county for purposes of relief.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1019.

APPROVAL—CONTRACT FOR INSTALLING BOILER AND
STOKER AT OHIO UNIVERSITY, ATHENS, OHIO.

COLUMBUS, OHIO, August 18, 1937.

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

DEAR SIR: You have submitted for my approval a contract between the State of Ohio, acting by its Department of Public Works, for and on behalf of the Board of Trustees of Miami University, Oxford, Ohio, and Fosdick & Hilmer, Consulting Engineers for the development of plans and specifications for one 500 H.P. Boiler, Stokers, Piping and other plant alterations and equipment, which contract is to be financed by the appropriation under Senate Bill No. 515, 92nd General Assembly,