

pany. In this situation no reason is seen for not approving the present lease executed to the New York, Chicago and St. Louis Railroad Company. And inasmuch as this lease is in proper form, both as to its execution and as to the provisions and conditions therein contained, I am approving the same as to legality and form, as is evidenced by my approval endorsed upon the original lease and upon the duplicate and triplicate copies thereof, all of which are returned herewith to you.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

6003.

WORK RELIEF—USED FOR ADMINISTRATIVE PURPOSES—  
MAY BE PAID IN CASH. WHEN

*SYLLABUS:*

1. *Work relief utilized for administrative purposes by virtue of Section 5 of House Bill No. 663, may be paid in cash.*

2. *Work relief, with the exception of that utilized for administrative purposes in accordance with Section 5, may not be paid in cash.*

COLUMBUS, OHIO, August 27, 1936

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

GENTLEMEN: Your request for my opinion reads as follows:

"It is provided in Section 5 of House Bill No. 663 that work relief may be utilized for administrative purposes, and that the cost of such work relief may not exceed one-half of the expense of administration, when, in the calculation of the eight per cent, such work relief is excluded from such expense of administration.

QUESTION 1: When the county commissioners utilize work relief for administrative purposes, may the persons so employed be paid in cash?

QUESTION 2: May persons employed on other work relief be paid in cash?

In connection with this request for opinion, we are enclosing copy of an opinion by the Prosecuting Attorney of Hamilton County in which he considers these same questions."

With reference to your first question I call your attention to the first paragraph of Section 5 of House Bill No. 663, which reads as follows:

“The sum total of all salaries, compensation, administrative expense, 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 work herein designated, paid out of the funds created by or distributed under this act shall not exceed eight per cent of the total amount of expenditures authorized by this act, provided, however, that work relief may be utilized for administrative purposes but the cost of such work relief shall not exceed one-half of the expenses of administration when in the calculation of the eight per cent such work relief is excluded from such expenses of administration. \* \* \*”

I also call your attention to Section 1 of House Bill No. 663, which defines the term “work relief” as follows:

“The term ‘work relief’ shall mean relief given in exchange for labor or services.”

In considering the problem as to whether or not “work relief” used for administrative purposes as provided may be paid in cash, it is necessary to ascertain the meaning of the term “relief” as used in the above definition. Webster’s Dictionary has the following definition:

“Aid in the form of money or necessities for indigent persons.”

Again calling your attention to paragraph (1) of Section 5, quoted supra, it will be noted that it is a provision for the payment of salaries and compensation to employes in administering and carrying on poor relief work. For this purpose there is provided eight per cent (8%) of the total amount of expenditures authorized by House Bill No. 663. Such general provision is followed, however, by a proviso permitting the utilization of work relief for administrative purposes. It is a general rule in the construction of statutes to consider a proviso as a limitation upon the general words preceding, and to except and take out something from the preceding provisions. This leads to the conclusion that work relief utilized for administrative purposes may be paid for in the same manner as other administrative expenses included in the eight per cent provision. That is, specifically answering your first question, work relief utilized for

administrative purposes by virtue of Section 5 of House Bill No. 663, may be paid in cash.

The answer to your second question is to be found by contrasting Section 1 of House Bill No. 627, which was repealed by House Bill No. 663, with Section 1 of House Bill No. 663. In House Bill No. 627, it was provided in Section 1 thereof:

“Subject to the provisions of this act, poor relief may take the form of either work or direct relief or both and may be provided through the furnishing of commodities and services or through cash payments to the persons aided.”

As amended by Section 1 of House Bill No. 663, the phrase “or through cash payments” is omitted. The effect of this omission is clearly set forth by Black in his work on “Interpretation of Laws”, at page 350:

“All those provisions of the original statute which are not repeated in the amending statute are abrogated or repealed thereby and are thereafter of no force or effect whatever.”

The deletion of the words “through cash payments” clearly demonstrates that the General Assembly no longer intended to provide cash relief for either “direct relief” or “work relief”, except under Section 5 with regard to administration work projects. Consequently, in specific answer to your second question, it is my opinion that “work relief” with the exception of that utilized for administrative purposes in accordance with Section 5, may not be paid in cash.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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6004.

APPROVAL—BONDS OF VILLAGE OF BAY, CUYAHOGA  
COUNTY, OHIO, \$14,000.00.

COLUMBUS, OHIO, August 27, 1936.

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