UNEMPLOYMENT RELIEF COMM.: Method to be used in administration of poor relief.

October 28, 1933.

Hon. William H. Book, Director,
Governor’s Commission on Unemployment Relief,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of October 24, in which you submit the following questions:

"1. Is it required that disbursements now must take place through the township trustees, reversing the practice which has been almost universally followed for twenty or more years?

"2. With the full approval of the federal emergency relief administration, we are informing county auditors that disbursement of money for relief purposes received as federal aid through this commission must be disbursed in the accustomed manner through the county auditors. The federal emergency relief administration further stipulates that 'wherever under allocation by the state relief commission a fixed per cent of relief funds in any civil subdivision is provided by grants of federal money from the federal emergency relief administration, all relief funds in that subdivision shall be expended and relief distributed by personnel approved by the state relief commission, and under rules and practices approved by the commission.'

"Is it within the powers of the county auditors to proceed to disburse such local funds as are provided, where federal aid is involved, in the same manner as federal aid money is disbursed? If this commission should require that both local and federal funds must be disbursed in this manner, as a condition of further federal aid, and agree that whatever additional clerical expense was necessary in the auditor's office, if any, should be provided for out of federal aid funds, could the auditors make the disbursements in such manner?"

Answering your first question, the Supreme Court in the case of Wayne Township v. Brown, 186 N. E. 841, held that it is not the duty of the board of commissioners to pass upon and allow each claim for poor relief, nor is it the duty of the
county auditor to draw his warrants for each claim for poor relief. The court in that case decided that it was the duty of the county to advance the necessary money for poor relief to the respective township trustees and that the duty to pay the claims was a duty of the respective township trustees.

In answer to your second question, so far as the disbursement of poor relief funds received as federal aid through your commission is concerned, I think the commission, subject to any rules and regulations made by the federal emergency relief administration, can assume full control over the method of the disbursement of such funds.

I am of the opinion, therefore, that under the conditions set out in your letter, you have the authority to require the disbursement of federal aid for poor relief in the usual manner as was done prior to the decision of the court in the Wayne Township case.

As to your third question, I do not think your commission has any authority to require the disbursement of township funds for poor relief in any manner other than as provided by the laws of the State of Indiana. You have no control over the funds provided by the respective townships. Your authority is limited to the disbursement of federal funds and, of course, as to them, as already stated, you may make such rules and requirements as you desire, subject only to the requirements of the federal emergency relief administration.

HEALTH, STATE BOARD OF: Rights and liabilities of Indiana state prison in use of proposed sewage disposal works at Michigan City.

Mr. Louis A. Geupel,
Chief Engineer,
Division of Public Health,
Indianapolis, Indiana.

October 31, 1933.

Dear Sir:

I have before me your letter of October 28, 1933, in which you ask, in substance, whether or not the Indiana state prison could make use of sewage disposal facilities proposed to be constructed by the municipality of Michigan City without paying for such service. You state that at present the sewage wastes from the Indiana state prison are carried by the city's