

SCHOOLS: Postage may be purchased from the appropriation to teacher-training if such postage is used in the inspection and supervision of teacher-training.

December 31, 1936.

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Honorable Lloyd W. King
State Superintendent
Department of Public Schools
Jefferson City, Missouri

Dear Mr. King:

This is to acknowledge your letter as follows:

"This Department needs money to buy postage for work in supervision of teacher-training high schools in this state. At this time, we have on hand sufficient money in the appropriation for the purchase of the necessary postage.

"Would it be proper for this Department to purchase stamps from the appropriation made for high school teacher-training as provided in Section 9405, R. S., 1929?"

Article 7, Chapter 57, relates to "Special State Aid for High Schools and Teacher-Training Courses." Section 9405 of said article and chapter provides in part as follows:

"The appropriation provided for the instruction of pupils in the science and practice of rural school teaching and the teaching of elementary agriculture, may be expended in part for the inspection and supervision of such instruction by the state superintendent of public schools * * * and the expense of such inspection and

supervision shall be paid out of said appropriation on vouchers certified by the state superintendent of public schools."

The 58th General Assembly appropriated moneys for teacher-training in high schools for the biennium 1935 and 1936. Section 57, Laws of Missouri, 1935, page 113, reads as follows:

"Teachers Training in high schools. --There is hereby appropriated out of the State Treasury chargeable to the general revenue fund, the sum of Thirty-Five Thousand Dollars (\$35,000.00), for the purpose of carrying into effect the provisions of Article VII, Chapter 57, of the Revised Statutes of Missouri, 1929, which provides for teacher-training work in high schools, provided, however, in the event the funds appropriated herein are insufficient to pay the apportionment in full as provided by law; they shall be pro-rated to schools in pro-rata proportion."

You will note that \$35,000.00 has been appropriated for the express purpose of carrying into effect the provisions of Article 7, Chapter 57, supra. Section 9405 provides that the appropriation for teacher-training may be expended in part for the inspection and supervision of such instruction. No doubt it becomes necessary to use postage for inspection and supervision. Suffice it to say that moneys should only be expended for postage when the postage is used in furtherance of teacher-training. In other words, postage should not be purchased from the appropriation for teacher-training if such postage is to be used in carrying out other functions of your Department.

The Supreme Court of Missouri, en banc, in State v. Thompson et al., 85 S. W. (2d) 595, had before it for

determination a question similar to the one you present. The court held that moneys could be expended from the teacher-training appropriation for supervision and inspection if such related to teacher-training. However, if the expenditure of the appropriation does not relate to teacher-training, as to inspection and supervision, then any money expended from the appropriation would be illegal. The court said (p. 601):

"Under the application of the doctrine enunciated above, the inclusion in printing bill C (count 3 of the petition) of the items admittedly having no connection with teachers' training was an obvious and inexcusable error, while all other items in suit were properly for the determination of the trial judge."

From the above it is our opinion that if postage is needed and used for work in inspection and supervision of teacher-training high schools that such may be purchased from the appropriation found at page 113, Section 57, Laws of Missouri, 1935. However, the postage must be used in the furtherance of teacher-training.

Yours very truly,

James L. HornBostel
Assistant Attorney-General

APPROVED:

J. E. TAYLOR
(Acting) Attorney-General

JLH:EG