

APPROPRIATIONS: Construction of the word "repair" as
it appears in the Appropriation Act.

9-1
August 31, 1936.



Dr. S. L. Baysinger
Rolla, Missouri

Dear Dr. Baysinger:

We wish to acknowledge your letter of August
31st, wherein you state as follows:

"There seems to be a difference of
opinion among those of us who are
interested in the School of Mines
as to just what we might spend the
Hospital appropriation of \$5000,
made the last session of the legis-
lature, for.

"If you will turn to page 56 of the
Laws of Missouri, 1935 you will
find under C, Repairs and Replace-
ments, a line which says Repairs on
Hospital, \$5000. Now what we want
to know is:

"First: Whether an outside fire
escape may be placed on the building
and paid for out of this appropri-
ation. Second: whether a complete
new addition could be attached to
the Hospital and paid for out of
this appropriation. In putting the
addition on, it would be necessary
to excavate and put in a new, separate
foundation for this addition. Third:
whether repairs, such as adding a
room and putting on roofing and paint-
ing, etc."

Laws of Missouri, 1935, p. 56, sets out the appro-
priation for the School of Mines and Metallurgy in part
as follows:

Dr. S. L. Baysinger

-2-

August 31, 1936.

"C. Repairs and Replacements:
Machinery and equipment, furniture,
scientific apparatus, repairs to
buildings, and supplies. . . \$19,700.00

Repairs on hospital. 5,000.00"

In the case of Walker v. City of Detroit, 106 N. W. 1123, 1. c. 1124, 143 Mich. 427, the Court had the occasion to define the word "repair" thus:

"In 24 Am. & Eng. Enc. L. 470, it is said 'To repair, as is ordinarily understood, is to amend; not to make a new thing, but to refit or make good or restore an existing thing. Thus the term does not include construction or reconstruction.' "

From the above definition of the word "repair", we are of the opinion, (1) that an outside fire escape may not be placed on the building and paid for out of the appropriation unless one already exists, (2) that a new complete addition cannot be attached to the hospital and paid out of the appropriation, (3) that repairs may be made to the present building such as adding a single room, and putting on roofing and painting.

Respectfully submitted

WM. ORR SAWYERS
Assistant Attorney General.

APPROVED:

JOHN W. HOFFMAN, Jr.
(Acting) Attorney General.

MS:H