

**Appropriations. School of Mines, Use Of.**

The Legislature having appropriated money for the erection and equipment of a metalurgical plant, and also money for a boiler plant at the School of Mines; and it appearing that the appropriation for the boiler plant has been fully exhausted and money still due thereon, and that the boiler plant is a necessary portion of the equipment of the metalurgical plant, there is no objection to paying the balance due on such boiler plant from the appropriation made for the erection and equipment of the metalurgical plant.

Helena, Montana, Dec. 18, 1907.

Hon. H. R. Cunningham,  
State Auditor,  
Helena, Montana.

Dear Sir:—

In response to your call for an opinion from this office respecting certain claims which have been approved by the State Board of Examiners and transmitted to you to be paid on your warrant from the appropriation made by House Bill 231, Laws 1907, page 532, for the erection and equipment of a metalurgical plant for the School of Mines, I give you the following:

The claims in question are claims numbered 59098 and 59099, and with respect to them the following facts have been presented, to-wit:

By the act above referred to, an appropriation of \$14,000. was made for the erection and equipment of a boiler plant for the school of mines, available during the year 1907, which appropriation has been fully exhausted before the completion of such plant, and in the same law, an appropriation was made of \$45,000. for the erection and equipment of a metalurgical plant for the School of Mines, available in the year

1908, and the question now arises, and is presented by you, as to whether the balance needed and due for the completion of a boiler plant can be paid from the appropriation made for the metalurgical plant; it appearing that the boiler plant is to be used in connection with and as a necessary part and portion of the equipment of the metalurgical plant.

Upon the facts above stated; it appearing that the boiler plant is necessary as a part of the equipment of the metalurgical plant; you are advised that there is no objection to your drawing your warrant for the amount of the said claims, they having been approved by the Board of Examiners, and paying the balance due on the boiler plant from the appropriation made for such metalurgical plant. However, in this case, neither the Board of Examiners, nor myself, desire to have this considered a precedent; otherwise appropriations made for large amounts for more than one purpose (as in the act above referred to) might be entirely dissipated and exhausted before either purpose was accomplished. With reduction of the amount available for the metalurgical plant, it will now be necessary for the trustees of the School of Mines to reduce the cost of the metalurgical plant or its equipment.

These claims are by me approved and authorized to be paid in manner above indicated upon the theory that the metalurgical plant has been erected or is now in process of erection, and that the boiler plant is necessary as a part of its equipment.

Yours very truly,

ALBERT J. GALEN,

Attorney General.