editions and provided that such new editions should be "put on sale by the Secretary of State at the price fixed as aforesaid." Thus, it does not appear that the free distribution of reprints was contemplated in 1891, and I can see no intention in the later amendments of Section 7 that reprints be so distributed.

Chapter 204 of the Acts of 1925 provides for distribution of complete or partial sets of the Reports or session laws to courts when those Reports have been lost or destroyed by fire, but no provision for distribution other than in the case of destruction by fire was made.

The present provision for the number of copies to be printed is found in Section 7, Chapter 124 of the Acts of 1941 (63-1644 Burns' 1933 Supplement), but nothing in that section appears to change the legislative enactment as to distribution of free copies. Nor is my opinion changed by Chapter 37 of the Acts of 1943, which merely transfers to the Reporter of the Supreme and Appellate Courts the duties of the Secretary of State with respect to distribution of the Reports. I am consequently of the opinion that there is no provision in our law for free distribution of any volumes which you contemplate reprinting.

PUBLIC INSTRUCTION: Extra-curricular school funds; are same subject to the control of the Board of Education in cities and of township trustees in townships?

August 3, 1943.

Hon. Clement T. Malan,
State Superintendent of Public Instruction,
State House,
Indianapolis, Indiana.

to Dr. Malan:

This will acknowledge receipt of your letter dated July 15th, 1943, which reads in part as follows:

"The Legislature of 1943 passed a law (House Bill No. 147) relative to the protection of extra-curricular school funds."
“In view of the foregoing law, are such funds public funds subject to the control of the board of education in the cities and of the township trustees in the townships?”

Chapter 267, Acts 1943 (House Bill 147, referred to in your letter) contains six sections. Section 1 provides that every public school in the state of Indiana shall have a treasurer to be appointed by the superintendent or principal in the respective school, who shall serve as such treasurer for a term of one year from the date of the appointment. The appointment shall be made not later than ten days following the convening of the regular school term. The appointment of the treasurer shall be made by the superintendent or principal of the school and shall be some member of the faculty of the school other than the superintendent or principal.

Section 2 provides that the treasurer shall have charge of the collection, custody and disbursement of any funds which are collected and expended for the purpose of paying any expenses which may be incurred in conducting any athletic, social or other school function, the cost of which is not paid from public funds, and for keeping accurate record of all money so received and expended, showing the source of all such receipts and the purposes for which such money was expended and the balance on hand. A copy of such report shall be filed with the township trustee, board of school trustees or board of school commissioners, within two weeks after the close of each school year, together with all records and files of such extra-curricular activities. A copy of such report is to be filed with and kept by the city superintendent and the county superintendent where they have respective jurisdiction.

Section 3 provides that the treasurer shall execute a surety bond and for the payment of the cost thereof from the respective funds collected.

Section 4 provides for the depositing of all receipts in a bank account to be known as the “school extra-curricular activity account”.

Section 5 provides that all forms and records for keeping the accounts of the extra-curricular activities in the schools of Indiana shall be prescribed by the State Board of Accounts
and that the Department of Inspection and Supervision of Public Offices shall examine and audit the accounts and records.

Section 6 provides that the records of the treasurer shall be a public record and open to inspection by any interested person, at any reasonable time during office hours.

While Section 2 of Chapter 267 expressly provides that the treasurer appointed, as provided for in Section 1 of the Act, shall have charge of the collection, custody and disbursement of the extra-curricular funds, there is no provision in the Act setting forth the specific manner in which such funds shall be disbursed, or charging any officer or board with the responsibility of allowing claims and expenses and ordering the disbursement of such funds, except what is contained in Section 2 of the Act.

Under the Indiana school system the superintendent or principal of a particular school is charged with the responsibility of an efficient management and administration of the business affairs of his respective school, subject, of course, to the orders, direction and management of the board of school trustees, or the township trustee of the particular school corporation.

Therefore, it is my opinion that the funds collected by, and in the custody of, the treasurer appointed pursuant to the provisions of Section 1 of Chapter 267, Acts of 1943, should pay out and disburse such funds only upon, and pursuant to, a written order duly issued by the superintendent or principal of the respective school after a duly verified claim therefor has been filed with, approved and allowed by the board of school trustees, or township trustee of the particular school corporation. Such a construction will place the funds collected from extra-curricular activities in the school upon the same basis as other public funds, which was the evident purpose, object and intention of the Legislature in enacting Chapter 267 of the Acts of 1943.