such. The amount of money, if any, which may be transferred from the general fund of the state treasury to the common school revenue fund on the dates set out in the act depends upon facts not set out in your letter and, in fact, not now available. The mandate to the auditor of state is to transfer from the general fund to the common school revenue fund upon the order of the state finance board such amount of money "as may be available." The above quoted language is not specifically defined by the act. The state board of finance, now abolished, but whose powers are exercised by the "Department of Treasury" had, under previous laws, general supervision of the state's fiscal affairs. The "Department of Treasury" under chapter 137 of the Acts of 1933 now exercises all the powers of such state board of finance, and, in addition thereto, many others therein specifically set out. In my opinion this department is now charged with the duty, under chapter 96, supra, of determining when funds in the general fund are available to supplement the common school revenue fund, not as legal questions but as questions of public business administration in view of other charges against said general fund as evidenced by legal appropriations payable therefrom.

I cannot, therefore, advise upon the facts before me as to what funds, if any, will be available for the state support of the common schools growing out of the provisions of chapter 96 of the Acts of 1933. I think this answers all three questions as fully as they can be answered upon the facts submitted.

PUBLIC INSTRUCTION, DEPARTMENT OF: Legality of teachers' contracts where required to teach subjects not embraced in license. Necessity of legal contract to authorize state to make distribution under chapter 96 of Acts of 1933.

May 9, 1933.

Hon. Grover Van Duyn,
Assistant Superintendent of
Public Instruction,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter submitting the following questions:
"1. Can a school trustee or board of school trustees legally contract with a high school teacher to teach an additional subject or subjects above which she is regularly licensed? Example: A teacher holds a license in English and mathematics which she is teaching as part of her day's work. She is then assigned one or more classes in history for which she holds no license.

"2. Can a legal contract to teach all subjects in any one or all of the elementary grades be executed with a teacher who holds only a high school teacher's or a special supervisor's license? Example: A teacher holding a special music supervisor's license is teaching all the third grade.

"3. Section 2 of House Bill 204, of the 1933 general assembly, provides that 'For every legally licensed person who is employed and engaged in the work of instruction * * * the employing school corporation shall be paid an amount not to exceed $600'. May the state legally distribute $600 per teacher in payment of salaries as provided in the above act when such teachers are employed to teach grades or subjects for which they are not properly licensed?"

Section 6953 of Burns Annotated Indiana Statutes of 1926 provides in part as follows:

"No person, after December 1, 1923, may be employed as superintendent, assistant superintendent, supervisor, principal, teacher, attendance officer, or as any other kind of regular school employee unless such person holds a license issued by the state board of education of the kind and grade required for the particular position, and such license is registered with the proper superintendent."

The provisions of the above section clearly require a negative answer to your first question.

In my opinion, the above section likewise requires a negative answer to your second question. There is no objection, however, to a duly licensed high school teacher or music supervisor teaching the subjects for which such teacher is licensed in different grades in a departmentalized school.
Your third question is answered in the negative.

Chapter 96, section 2, Acts of 1933;

WEIGHTS AND MEASURES, DEPARTMENT OF: Appointment and dismissal of weights and measures men in different counties and cities throughout state.

May 9, 1933.

Hon. Martin L. Lang,
State Commissioner of Weights and Measures,
State Board of Health,
State House Annex,
City.

Dear Sir:

I have before me your letter of May 3rd, in regard to the appointment and dismissal of weights and measures men in the different counties and cities throughout the state, your question being as follows:

"Please advise or give me an opinion in regard to the appointing or dismissing of the weights and measures and food and drug men in the different counties and cities throughout the state, or if same is taken care of by chapter 4, Acts of 1933. I am enclosing from this department Acts of 1925, chapter 86, page 247, section 4, in part, weights and measures."

In answer to your letter, I must refer you to the Acts of 1925, page 247, sections 3, 4 and 6 of that act, the pertinent part of those sections being as follows:

Section 3 of Burns Revised Statutes of 1926, 14570:

"The board of commissioners of every county of thirty thousand population or more shall, and the board of commissioners of any county of less than thirty thousand population may appoint a county inspector of weights and measures. No person shall be appointed as a county inspector of weights and measures in any county unless such person shall have been approved by the state commissioner of weights and measures, and no county inspector of weights and measures in any