THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

JOHN BEN SHEPPERD
ATTORNEY GENERAL

Hon. Weaver H. Baker
Chairman
State Board of Control
Austin, Texas

Opinion No. O-4989
Re: Authority to pay tuition fee for Rose Catherine Boone at the Oklahoma School for the Deaf.

Dear Mr. Baker:

We beg to acknowledge receipt of your letter requesting an opinion from this department, as follows:

> "The attached file is self-explanatory as to the facts relating to the above named girl for whom the Superintendent of our Texas School for the Deaf is seeking authority and consent of the State Board of Control to pay a tuition fee out of any available public funds, subject to our order, or that of the Superintendent of the Texas School for the Deaf, unto the Oklahoma School for the Deaf.
>
> "Will you kindly advise us whether we have the legal authority to pay from any of such public funds unto the Oklahoma School for the Deaf, the thirty-six (36¢) cents per day requested by said School for the maintenance, care, keep and hospitalization of the aforesaid Rose Catherine Boone?"

There is no authority to pay from any public funds of this State the item of expense mentioned by you. It is regrettable. The item is trifling in amount, and the cause appears to be a most deserving one. If the matter were a personal one, the appeal would meet with a hearty response, but public funds may be paid out only in pursuance of specific appropriations by the Legislature.

> "Whoever undertakes to determine a case solely by his own notions of its abstract justice, breaks down the barriers by which rules of justice are erected into a system, and thereby annihilates law. To follow the dictates of justice, when in harmony with the law, must be a pleasure; but to follow the rules of law, in their true spirit, to whatever consequences they may lead, is a duty."

So wrote the Old Alcalde in Duncan v. Magette, 25Tex.253.

APPROVED FEB 24, 1943
/s/ Grover Sellers
FIRST ASSISTANT ATTORNEY GENERAL

Very truly yours,
ATTORNEY GENERAL OF TEXAS
By /s/ Geie Speer, Assistant

APPROVED: OPINION COMMITTEE BY: B.W.B. CHAIRMAN