before the institution of the suit against the City of Senath. That a release given to one apparently liable was a bar to another action, although in point of fact he is not liable.

Held further, that Sec. 4223 R. S. Mo. 1919, which provides: "It shall be lawful for all persons having a claim or cause of action against two or more joint tort feasors or wrong-doers to compound, settle with and discharge any and every one of said joint tort-feasors or wrong-doers for such sum as such person or persons may see fit, and to release him or them from all further liability to such person or persons for such tort or wrong, without impairing the right of such person or persons to demand and collect the balance of said claims or cause of action from the other joint tort-feasors or wrong-doers against whom such person or persons has such claim or cause of action, and not so released," was not designed to affect and does not affect, the principle that there can be but one satisfaction for the same wrong.

STATUTES — CONSTRUCTION THEREOF — CONSTITUTIONALITY

In the recent case of Lincoln University v. Hackmann, State Auditor, 243 S. W. (Mo.) 320, the relator sued for a writ of mandamus to compel the State Auditor to honor a requisition for $4287.40, and to draw a warrant upon the State Treasurer for that sum in favor of the relator. The requisition had been given to an architect who had rendered services for Lincoln University, an institution for the higher education of negroes. Payment for these services was to be made from a fund created by a statute in laws 1921, p. 86, which statute provided for the organization of Lincoln Institute as a University, separate and distinct from the State University, and also for the appropriation of $500,000 from any "unappropriated part of the General School Funds" of the State to be used in the improvement of said Lincoln University.

In construing the statute, the Court invoked the rule that in interpretation of Acts of the Legislature, words may be substituted or rejected when necessary to effect the manifest intention of the framers thereof. State ex rel. Sheehan, 269 Mo. 421, 427, 190 S. W. 864; St. Louis v. Murta, 283 Mo. 77, 222 S. W. 430; State v. Gmelich, 208 Mo. 152, 161, 106 S. W. 618. Especially is this rule applicable where the literal meaning of the statute is absurd. or where the Court deems the provision was inserted through inadvertance. In the present case the Court held that the word "unappropriated" was inadvertantly used in the Act, for there could be no unappropriated part of the public school funds, as they had been appropriated for the public schools. The Court, therefore, rejected the word "unappropriated."

Even though the word "unappropriated" was rejected the statute was still in conflict with Section I, Article II of the Constitution, which section provides

for a general school fund, the income of which is for the upkeep of the public schools and the State University and its branches. In addition to the general school fund, the section further provides that the Legislature shall set apart not less than twenty-five per cent of the general state revenue to be applied annually to the support of the public schools. However, by an Act with an emergency clause, approved February 21, 1921, instead of twenty-five per cent, one-third of the ordinary revenue paid into the State Treasury from July 1, 1920, to June 30, 1922, was appropriated to the support of the public schools.

As the above section of the Constitution limits the fund created from the income of the General School Fund and the one-third of the State revenue to expenditures for the use of the public schools and the State University and its branches, the statute providing for the appropriation of part of this fund for Lincoln University, which is neither in the public school system nor a branch of the State University, is in conflict with Article II, Sections 1-3, 5-7 of the Constitution; hence, it is unconstitutional.