OFFICIAL OPINION NO. 54

June 4, 1946.

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

Dear Doctor Malan:

Your letter of May 6, 1946, has been received requesting an official opinion on the following question:

“If a board of school commissioners, board of school trustees, or county board of education, do not take any action on the rental of textbooks, can a township trustee purchase from publishers at a net wholesale or net contract price, any textbook or series of textbooks that have been adopted by the state board of textbook commissioners and selected for the local corporation as provided by law and rent said textbooks, or series of textbooks to the pupils of his or her schools at an annual rental which will not exceed twenty-five (25) per cent of the retail price of said books?”

The only statute I am able to find giving authority to school officials to purchase school books for the purpose of renting the same is Section 28-638 Burns' 1945 Supplement, same being Section 1, Chapter 171, Acts 1935, which provides as follows:

“Any board of school commissioners, any board of school trustees, or any county board of education may purchase from the publishers, at the net wholesale or net contract price, any text-book or series of text-books selected by the state board of text-book commissioners and the local text-book committee of such cities, towns or such counties outside of cities and towns as provided by law, and rent said text-books or series of text-books to the pupils of their respective schools at an annual rental of not to exceed twenty-five (25) per cent of the retail price of said books.”
Where an office is created by statute public officers may exercise only such powers as are expressly authorized by statute.

Blue v. Beach (1900), 155 Ind. 121, 131;
State ex rel. v. Goldthait (1909), 172 Ind. 210, 216, 217;
Department of Insurance v. Church Members Relief Association (1940), 217 Ind. 58, 60.

It is clear the foregoing statute authorizing the rental of textbooks to certain pupils excludes township trustees from those authorized to so engage in such activity.

I am therefore of the opinion a township trustee is not authorized to purchase textbooks for the purpose of renting the same to the pupils in the schools.

OFFICIAL OPINION NO. 55

June 4, 1946.

L. E. Burney, M. D.,
State Health Commissioner,
Indiana State Board of Health,
1098 West Michigan Street,
Indianapolis, Indiana.

Dear Doctor:

Your letter of recent date requests an official opinion as to the persons authorized to sign death certificates under the provisions of Chapter 154 of the Acts of 1945.

Section 8, Chapter 154, Acts of 1945 provides in part as follows:

“(a) Funeral directors or persons in charge of interment shall file with the health officer having jurisdiction in which death occurred, a certificate of death and receive a permit prior to any disposition of the body. In preparing a certificate of death, the person in charge of interment shall obtain and enter on the certificate such personal data as may be required by the state board of health, from the persons best qualified to