a public officer, but this case did not consider the question in the light of the requirement of the power to exercise some part of the sovereign power of government, and it has probably been overruled by subsequent cases above cited.

In any event, in view of the authorities holding firemen and policemen are employees, it is difficult to see how it could be held that a probation officer is a public officer and exercising any of the sovereign powers of government.

Under the above authorities, it is my opinion that the same person may be appointed as attendance officer by the proper authorities of the school corporation, and also as probation officer by the Judge of the Circuit Court, and to receive compensation for each service. It is assumed that the Judge and school corporation would cooperate in the matter of work to be done so that there would be no conflict between the two employers.

OFFICIAL OPINION NO. 73

July 26, 1946.

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

Dear Doctor Malan:

Your letter of July 19, 1946, has been received in which you request an official opinion on the following questions:

"1. Does the Textbook Commission have the obligation of adopting textbooks, where satisfactory textbooks are submitted, in every subject that is taught in every grade in every school in the State of Indiana?

"2. If the answer to question 1 is in the affirmative, would the same answer apply even though a subject might be taught in only one grade and in only one school?

"3. If the answer to question 1 is in the negative, what Board, Commission or other authority has the responsibility of determining what subject or subjects for which textbooks must be adopted?"
Section 28-666 Burns’ 1945 Supplement, same being Section 1, Chapter 243, Acts 1945, provides as follows:

“The state board of education, hereinafter referred to as the board, shall make multiple adoptions of textbooks and enter into contracts with publishers of textbooks to furnish them at fixed prices, so that there shall be a multiple list of textbooks for all subject (subjects) in all grades of the public schools in the state of Indiana.”

Section 28-668 Burns’ 1945 Supplement, same being Section 3, Chapter 243, Acts 1945, provides in part as follows:

“In the case of subjects and grades for which textbooks are adopted on the effective date of this (act) (§§ 28-666—28-682) the multiple listing and contracting shall be conducted as follows: Not later than December 15 of the year preceding the expiration of any contract or contracts, the board shall adopt and enter into new contract (contracts) for three (3) textbooks for each subject and grade, for which contracts will expire during the next succeeding calendar year, provided three (3) satisfactory textbooks for such subject and grade are submitted. In the case of readers for the first three (3) grades the board shall adopt and enter into contracts for three (3) textbooks and the board also shall adopt and contract for six (6) supplementary book lists of eight (8) books. * * *”

Section 28-669 Burns’ 1945 Supplement, same being Section 4, Chapter 243, Acts 1945, provides in part as follows:

“In the case of subjects and grades for which textbooks are not adopted and contracted for on the effective date of this act (§§ 28-666—28-682), the board shall adopt and contract for textbooks as follows: Not later than December 15, 1946, the board at a meeting held for that purpose shall adopt and contract for a multiple list of three (3) textbooks for each subject and grade, provided three (3) satisfactory textbooks for such subject and grade are submitted. Such new adoptions and contracts shall become effective on July 1, 1947. * * *”
Section 28-670 Burns' 1945 Supplement, same being Section 5, Chapter 243, Acts 1945, provides as follows:

"In the case new subjects are taught in any grades, the board shall at the next succeeding adoption, adopt and contract for a multiple list of three (3) text-books for such subject and grade, provided three (3) satisfactory text-books for such subject and grade are submitted. In such a case the board shall give notice in the same manner as provided in section 3 (§ 28-668) and 4 (§ 28-669), of this act and such new subject shall be added to the list to be adopted."

Section 28-667 Burns' 1945 Supplement, same being Section 2, Chapter 243, Acts 1945, reads as follows:

"The provisions of this act (§§ 28-667—28-682) shall apply only to those subjects for which credit is given in the public schools."

1. In answer to your first question it is clear from the provisions of the foregoing sections of the statute that on or before December 15, 1946, the Textbook Commission of the State of Indiana is required to adopt textbooks, where satisfactory textbooks are submitted, for every subject that is taught in every grade in every school in the State of Indiana for which a previous adoption has not been made and contracts let prior to the effective date of the foregoing statute. It must also likewise adopt such textbooks for all such subjects taught in all grades in all of the schools of the state for which such contracts expire at the end of this coming school year. It must also make such adoption at said time for all new subjects taught in any of such grades in any of such schools.

The only exception to the foregoing is contained in Section 2 of said Act, supra, which provides that the provisions of said Act shall only apply to those subjects for which credit is not given in the public schools. "Credit" as here used would be construed in its ordinary meaning and not in its restricted technical meaning. In other words I am of the opinion Section 2 of said statute would exclude only those subjects for which no scholastic recognition or consideration is given in the schools.
2. Said Textbook Commission must also make such adoption under the conditions set forth in the answer to your question number one even though a subject might be taught in only one grade and in only one school in the State. This is due to the provision of Section 1 of said statute, supra, which provides for such adoption "so that there shall be a multiple list of text-books for all subjects in all grades of the public schools in the state of Indiana." (Our emphasis.)

3. The answer to your question number one obviates any answer to question number three.

OFFICIAL OPINION NO. 74

July 27, 1946.

Hon. A. V. Burch,
Auditor of State,
State House,
Indianapolis 9, Indiana.

Dear Sir:

A letter from your office dated July 16, 1946, has been received requesting an opinion on the following question:

"Does the Board of Finance have the authority to authorize the Auditor of State to transfer from the General Fund of the State of Indiana to a Rotary Fund entitled, 'Veterans Training Programs' under the vocational education division?"

Your letter also contains the following information:

"Mr. Malan, State Superintendent of Public Instruction, has requested that the Auditor of State set up a $10,000 rotary fund from which administration costs incidental to the veterans training program shall be paid, these administration costs to be reimbursed by the federal government. This rotary fund is necessary due to the fact that the federal government reimburses on an actual cost basis which will mean that there will be an interim of 30 to 90 days for the federal government to process these administration expense vouchers."