the negative. As I construe it, however, this exempting statute does not seek to affect the taxability of the instrument after the same has been issued under a plan confirmed by the Court under the provisions of Chapter 10 of the National Bankruptcy Act, nor does it purport to affect any excise tax which otherwise may be legally assessed using such instrument for a measure when the same is owned and in the possession of an Indiana resident to whom it has been issued under the plan approved by the United States District Court. It should be noted further that the stamp tax, known as the Intangibles Tax Law of Indiana, does not purport to tax any activity which is exempted under the above section. See Zoercher v. Indiana Associated Telephone Corporation, 211 Ind. 447. In my opinion, your second question should be answered in the affirmative.

PUBLIC INSTRUCTION: School Book selection, whether local corporations may select more than one book from the state-approved list.

May 21, 1943.

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

Dear Dr. Malan:

I am in receipt of your letter dated May 13th, 1943, requesting my opinion as to the proper interpretation to be placed upon Section 6 of Chapter 249 of the Acts of 1943. Your specific question is as follows:

"In applying this section to local needs, may more than one book be adopted from the State approved list in the various fields, e.g., may First Year Algebra, Schorling-Clark-Smith, World Book Company; Essentials of Algebra, First Course, Hart, D. C. Heath Company; Elementary Algebra, Freilich-Shanholt-Georges, Silver Burdett Company all be adopted for use in any given school corporation?"
Section 1 of Chapter 249, Acts 1943 provides that the State Board of Education at its meeting to be held within thirty days after the close of the 83rd Session of the General Assembly shall make an approved list of three textbooks for each subject and grade wherein the term of previously adopted books expires in 1943. Said Section then provides:

"The board also may make an approved list of three textbooks where available for all senior high school subjects not at present adopted or contracted for as may be necessary to provide an approved list for all parts of the state course of study."

Section 5 provides that as soon as such board shall have approved books as herein prescribed it shall be the duty of the President of the board to notify the school executives of such approvals. Section 6 then provides that it shall be the duty of the City Superintendents in their respective cities, Town Superintendents in their respective towns, and County Superintendents in their respective counties, after advising with committees of teachers appropriately selected in their respective schools, to select from the state approved list the book or books to be used in the teaching of the various subjects in the schools of their respective jurisdictions.

It is a matter of common knowledge that many of the school corporations have more than one senior high school in their respective jurisdictions. Therefore the fact that the Legislature required the State Board of Education to adopt an approved list of three textbooks from which the local school authorities may make their selection is conclusive that each senior high school would have the right to exercise its discretion as to which textbook among those adopted by the State Board of Education would be selected and used in the local school.

In conclusion, it is my opinion that in any school corporation having two, or more, senior high schools therein, the proper answer to your question is in the affirmative.