

PUBLIC INSTRUCTION, STATE SUPT. OF: Whether the civil city must assume the bonded indebtedness of the city school corporation before the township trustee can take over such city school corporation.

February 10, 1942.

Dr. Clement T. Malan,
State Supt. of Public Instruction,
State House,
Indianapolis, Indiana.

Dear Dr. Malan:

I have before me your letter of February 3, 1942, in which you set forth the following state of facts:

“A school in an incorporated city under school board wishes to abandon the school and to have the township trustees take over the control of the school. The school corporation is bonded.”

Upon further inquiry I have discovered that the city in question was a city of the fifth class, having a population of more than 2,150 population.

Your question is as follows:

“Must the civil city assume the bonded indebtedness before the trustee can take control; or, must the township trustee assume the bonded indebtedness?”

Chapter 205, Acts of 1929 (Burns' Indiana Statutes Annotated 1933, Secs. 28-1242 to 28-1253, inclusive) sets out the procedure which must be followed in the consolidation of the schools of a township and a city of the first class. Section 7 of such act provides as follows:

“When said township shall have become consolidated either by resolution or election, as hereinbefore provided, and the new board of school trustees shall have been appointed, and shall have been duly and legally organized as hereinbefore provided, the school township shall be deemed to have abandoned and all its school property, rights, and privileges as well as any indebtedness it may have shall be deemed to have

accrued to and be assumed by the new consolidated school corporation. And the title of such property shall pass to the consolidated school corporation, and such debts shall be assumed and paid by such new consolidated school corporation, and all the privileges and rights conferred by law upon the school township shall be and are granted to this new consolidated school corporation."

Your question is clearly answered by this statute, and the township must assume the bonded indebtedness.

STATE BOARD OF ACCOUNTS: Allowance for burial of soldiers, sailors or marines in active service of the army or navy; whether the Board of County Commissioners is authorized or required to make an allowance for the expense of such burial.

February 19, 1942.

Mr. Otto K. Jensen, State Examiner,
Department of Inspection and
Supervision of Public Offices,
State Board of Accounts,
State House,
Indianapolis, Indiana.

Dear Sir:

Your letter of February 3 has been received wherein you ask my opinion upon the following question, to-wit:

"1. Is the board of county commissioners of the county of the residence of any soldier, sailor, or marine in the active service of the army or navy of the United States, authorized or required to make an allowance for the expense of the burial of such soldier, sailor, or marine, in the event of death while in such active service:

"(a) In the event such soldier, sailor, or marine had never been honorably discharged?