

indebtedness created for school purposes. Therefore, the statute makes possible a situation wherein the township might become liable for indebtedness in excess of the valuation fixed upon the school property which it would receive. Since the valuation which is fixed by the appraisers designated by the statute constitutes the purchase price as between the two units of government, the town, upon abandonment of the school town, would have the power to obligate itself to the township for the excess of the indebtedness assumed by the township over and above the purchase price of the school property.

Therefore the effect of the statute is that as between the township and all creditors of the school town, the township is liable for all indebtedness of the school town whose property it has acquired, including the debt to the State Common School Relief Fund; but as between the two units, township and town, the latter is liable to the township, under the contract, for the indebtedness owed to the State Common School Relief Fund.

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**GOVERNOR'S OFFICE: Authority to receive and act upon report of committee created by concurrent resolution of General Assembly to investigate merits of claim.**

December 29, 1939.

Hon. M. Clifford Townsend,  
Governor of the State of Indiana,  
Indianapolis, Indiana.

My dear Governor:

I have before me your letter in which you propound two questions for answer, as follows:

“By virtue of House Concurrent Resolution No. 4, chapter 167, Acts of 1939, is the Governor of the State of Indiana authorized to receive a report of the investigating committee? If so, what action is the governor authorized to take in this matter?”

The Concurrent Resolution referred to reads as follows:

“WHEREAS, Through a misunderstanding and lack of complete information, a mistake may have been made in a settlement of a charge contained in a report of an examination made by the State Board of Ac-

counts and possible harm may have been done one Otto F. Schlensker, a citizen of this State; therefore,

“SECTION 1. *Be it resolved that we, the General Assembly, Recommend and pray a nonpartisan committee consisting of two (2) members be named by the speaker of the House, and two (2) by the president of the Senate for the purpose of ascertaining through their deliberations and investigations the merits of the controversy that has arisen and we, as members of our General Assembly, extend to said committee such power and authority as may be necessary in ascertaining the facts under and by virtue of our statutes and it shall be the duty of the committee to set out, in full, their findings, typewritten, with definite instructions to our representative bodies recommending the action they deem necessary to clarify the records and rectify any misunderstanding, mistake or error.*”

Acts of 1939, page 782.

The above resolution apparently contemplates that the findings and recommendations referred to therein are to be reported to the House of Representatives and to the Senate, and accordingly I am of the opinion that this report does not go to the governor and contains no authority whereby the governor may take any particular action in the matter.

Your first question is answered in the negative. Your second question does not admit of a categorical answer, but is answered as already indicated that the governor has no duty to perform with respect to such report.

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**UNEMPLOYMENT RELIEF, GOVERNOR'S COMMISSION  
ON: Authority to finance operations and services necessary to qualify for WPA funds, surplus commodity distribution, etc., from original appropriation of 1933 General Assembly.**

Hon. Dudley A. Smith, Director,  
Governor's Commission on Unemployment Relief,  
Indianapolis, Indiana.

December 30, 1939.

Dear Sir:

I have before me your letter of December 26, 1939, which in part reads as follows:

“Certain opinions heretofore have been rendered by you in regard to appropriations made to the Governor’s Commission on Unemployment Relief by the Act of 1933, the same being the Act which created the commission. These opinions, dated September 9, 1938, and October 7, 1938, and rendered to the Auditor of State, give your finding that the original appropriations are continuing and are still available for emergency use by the commission upon proper commission finding of the emergency and the necessity for their use. The later opinion holds that operations sponsored by the commission in the distribution of surplus commodities to needy persons of the state and other operations on the making of referral and certifications of needy persons for employment on WPA ‘are essential to the administration of the relief program.’ It further finds that the Governor’s Commission, with approval of the Governor, has authority to authorize the expenditure of the monies so appropriated for the purposes of continuing these essential relief services. The October 7 opinion therefore concludes that money from the original appropriation might be, and it was, appropriated to the State Department of Public Welfare for the performance of these services and others incidental to the carrying out of the duties of the G. C. U. R. Whereas a sum of \$2,000,000 originally was appropriated to the commission, ‘for the purpose of furnishing financial and other relief to the needy and distressed people having legal settlement in this state and for the purpose of relieving the hardships resulting from unemployment in this State’, the sum of \$20,000 was appropriated annually for the administrative expense of the Commission.”

Upon the basis of the statements above set out you request an official opinion in answer to the following questions:

“1. Can the Governor’s Commission, for the purpose of relieving hardships resulting from unemployment, with approval of the Governor and by findings properly made on the emergency and the necessity therefor, use necessary parts of the \$2,000,000 appropriation given to it by the General Assembly of 1933, for the purpose of continuing under its director and under contracts