invoice with respect to the right to a refund shows that it is contemplated that it shall have been issued in the usual course of business and as a part of the transaction involved in the sale and purchase and delivery of the gasoline on account of which a refund is claimed, so as to protect its sanctity as evidence of the matters as set out therein. The department would, undoubtedly, have the right to investigate any invoice which was submitted for the purpose of obtaining a refund, in order to determine its genuineness and accuracy, and I think that, under the statute, the department would be within its rights, after notice, to require that the delivering agency in a case such as you have described give evidence to the purchasing claimant of the name, date, and the amount delivered, for the purpose of using it as in the nature of an invoice or as further substantiating an invoice thereafter issued by the seller.

PUBLIC INSTRUCTION, DEPARTMENT OF: Selection of textbooks, whether State board's selection must be followed.

June 10, 1938.

Hon. Grover Van Duyn,
Asst. Supt. of Public Instruction,
State House,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter which is in part as follows:

"The local school administrators adopted a textbook in biology for the year 1937-38. According to the statute, this adoption is for a period of five years. In the recent state adoption of high school textbooks, a multiple list of texts were adopted in biology. This multiple list did not include the text adopted by the school board as mentioned above."

Based upon the foregoing statement of facts, you submit the following question:

"Shall the local school authorities continue the use of the text which was adopted prior to the adoption of the state board or shall the adoption of the state board be followed?"
This question seems to be fully covered by section 20-607 of Burns' Indiana Statutes Annotated 1933, which provides as follows:

"The state board of education shall constitute a board of commissioners for the purpose of making a selection, or procuring the compilation for use in the high schools of the State of Indiana, of textbooks, as prescribed in this Act.

"Said board shall select single textbooks in the following subjects: algebra; geometry; commercial arithmetic; history; United States, ancient, medieval and modern; civil government; physical geography; commercial geography; history of English literature; history of American literature; English composition and rhetoric; Latin—beginning Latin, Latin grammar, prose composition, Caesar, Cicero, Virgil; German—conversational method of grammar and grammatical method grammar.

"The board shall select four (4) elective textbooks in each of the following subjects: botany; zoology; physics; chemistry; agriculture; agricultural botany.

Said board may select single or elective textbooks in any additional subject not included in this section which are taught in any high school or any subject which may hereafter be included in the curriculum of any high school, whenever any high school shall determine to teach such subject, and whenever such selection is made by said board, the textbook so selected shall be used in all high schools in the State of Indiana teaching said subjects."

It seems to me that your question is answered in the last literary paragraph of the above quotation, which provides that whenever a selection is made by the state board for the high schools of the state, the textbooks so selected shall be used in all high schools in the State of Indiana teaching such subject. Your question is answered accordingly.