

School Deaf, Dumb and Blind, Appointment of Physician.

Under Section 2939 the appointment of the physician should be made by the superintendent, he being constituted the chief executive officer of such institution; but before such appointment is effectual and operative it must be approved by the board of trustees.

April 22, 1905.

C. R. Stranahan, Esq., County Attorney, Boulder, Montana.

Dear Sir:—I am in receipt of your favor of the 18th, wherein you make request for an opinion of my office as to whether or not the selection of a physician for the school of deaf, dumb and blind should be made by the superintendent of said school, subject to confirmation of the board of trustees, or whether the trustees have the authority to appoint such

physician direct without reference to the superintendent. Accordingly I give you the following as my opinion upon said question.

It seems very clear, from a reading of Section 2939, Political Code, that the superintendent is the chief executive officer of the school for the deaf, dumb and blind, and that he shall, with the approval and consent of the trustees, appoint and fix the compensation of teachers and all subordinate officers and employes. The visiting physician of such institution, being a subordinate officer, and employe, he should appoint such physician, the appointment to become effective and operative when approved by the board of trustees.

Yours respectfully,

ALBERT J. GALEN,
Attorney General.