

Teachers' Salary in Vacation. County Free High School, Powers of Trustees. Prizes in High School. Bond of Contractor, Approval Of.

Teachers in a free county high school are not entitled to salary for attending Montana State Convention of Teachers during a vacation.

The Board of Trustees have no authority to pay for prizes for debating contests out of public funds of the school.

The board has power to fix the amount of a contractor's bond and pass upon the sufficiency of the same when furnished.

Helena, Montana, Jan. 22, 1908.

Hon. Thomas Nelson Marlowe,  
County Attorney,  
Missoula, Montana.

Dear Sir:—

Your letter of the 18th inst. received, in which you request an opinion from this office upon the following questions:

1. Are the teachers of the Missoula County Free High School entitled to pay for the time they attended the Montana State Convention of teachers which was held in Missoula during the Christmas vacation?

2. Has the board of trustees of such high school right to give prizes to the successful contestants in a debating contest held in such school?

3. Where the board of trustees let a contract for the building of a new high school building, and require the contractor to furnish a bond, is the amount of such bond left to the sound discretion of said board?

In answer to your first question we will state that we held in an opinion given on December 24, 1906, to Hon. W. E. Harmon, that teachers were not entitled to pay for attending the Montana State Convention of Teachers during a school vacation. We herewith enclose you a copy of said opinion.

In answer to your second question you are advised that the board of trustees of a free county high school have only such powers and authority as are expressly conferred upon them by statute. Their authority and power is defined by Chap. 29, Laws 1907. We find nothing in such chapter which would authorize such board to use public funds raised for the payment of teachers' wages and for contingent expenses for the purpose of purchasing prizes to give to the successful contestants in debating contests. These prizes should be provided for in some other way than out of the public funds of such school.

In answer to your third question you are advised that it is the duty of the board of trustees to fix the amount of bond they shall require from the contractor, and to pass upon the sufficiency of the bond when furnished by him.

Very truly yours,

ALBERT J. GALEN,

Attorney General.