

**School Trustees, As Contractors With District. School District, Supplies Furnished by Trustees. Supplies School District, Trustees Cannot Contract For.**

The trustee of a school district is precluded by Section 882 of Revised Codes from being interested, either directly or indirectly, in contracts with his district.

March 21, 1911.

R. Lee McCullough, Esq.,  
County Attorney,  
Hamilton, Montana.

Dear Sir:

I am in receipt of your letter of the 19th inst., making inquiry as to the proper construction to be given to Section 882, of the Revised Codes, relative to the interest of school trustees in contracts with the district, and in which you ask:

"We have a school trustee here who is a stockholder and one of the directors of a corporation, which at times furnishes supplies for warming, \* \* \* \* \* and maintenance of the schools. Does the statute prohibit the furnishing of such supplies by a corporation of which he is a stockholder and also a director?"

And you also state that you rendered an opinion thereon and held that the statute was prohibitive of such contract on the part of the trustees. Section 882, of the Revised Codes of 1907, provides:

"It shall be unlawful for any trustee to have any pecuniary interest, either directly or indirectly, in any erection of school houses, or for warming, ventilating, furnishing, or repairing the same, or be in any manner connected with the furnishing of supplies, for the maintenance of schools, \* \* \* \* \*"

It is my opinion that the provisions of the section above referred to and quoted are prohibitive and that the opinion rendered by you is correct. This view is further supported by the cases below cited.

City of Northport v. Northport Townsite Co., 68 Pac. 204  
(Wash.)

Lumber Co. v. Baldwin, 84 Pac. 284 (Calif.).

With reference to your second inquiry, that is, to the manner of the election of school trustees where the district has changed from a third class to a second class district, will state, that on March 14th, 1911, this office rendered to Honorable Justin M. Smith, county attorney, Gallatin county, an opinion covering the information sought in your letter and I enclose you herewith a copy of that opinion.

Yours very truly,

ALBERT J. GALEN,

Attorney General.