

Opinion No. 1.

Schools—Textbooks—State Text Book Commission.

HELD: The State Textbook Commission is authorized to adopt separate basal texts for Physiology and Hygiene.

December 2, 1938.

Mr. C. C. Guinn
County Attorney
Hardin, Montana

Dear Sir:

You have asked if the State Text Book Commission is authorized to adopt a separate basal text book for physiology and hygiene.

Section 1190, Revised Codes of Montana, 1935, provides:

“* * * The commission shall make contracts for textbooks in the following branches, to-wit: Reading, spelling, writing, arithmetic, geography (elementary and advanced), language and grammar, physiology and hygiene, civil government (state and national), history of the United States (elementary and advanced) and elementary agriculture. * * *”

This has been held to mean that one particular textbook shall be provided for each branch of learning as a basal textbook in that branch. (Vol. 16 Opinions of Attorney General, 3.)

Hygiene is defined by Webster's New International Dictionary, 2nd Edition, 1938, as:

“The science of the preservation of health; sanitary science; a system of principles or rules designed for the promotion of health.”

The same source defines physiology as:

“The branch of biology dealing with the processes, activities, and phenomena incidental to and characteristic of life or living organisms; the study of the functions of the organs, tissues, cells, etc., during life as distinct from anatomy, which deals with their structure.”

The New Century Dictionary, 1934, defines hygiene as:

“The science which deals with the preservation of life; sanitary science,” and physiology as “The science of dealing with the normal functions of living organisms or their organs, especially this science as concerned with human beings.”

It is apparent that physiology and hygiene are two separate and distinct fields of science dealing with separate branches of learning, and, therefore, by the provisions of Section 1190, supra, the commission would be authorized to adopt separate basal textbooks for each branch of learning.