

by the legislature to the counties. There is no specific power granted covering any such proposition as that you submit, and we do not believe that any stretch of implied power could be made to justify it.

Opinion No. 306

**County Commissioners—Natural Gas—
Pipe Line, No Power to Install
—Public Purpose—Bonds
—Taxation.**

HELD: A board of county commissioners has no power to sell bonds or raise money by taxation for the purpose of installing or constructing a natural gas line to provide for the sale of gas to the residents of the county.

August 15, 1933.

You request the opinion of this office as to whether or not the board of county commissioners of Pondera County, can sell bonds or raise money by taxation for the purpose of installing or constructing a natural gas line for the sale of said gas to residents of the county.

Counties are political subdivisions of the state, subject to legislative supervision and control (*Majors v. County of Lewis and Clark*, 60 Mont. 698) and have only such powers as are expressly given or necessarily implied. (*Morse v. Granite County*, 44 Mont. 78; *Yellowstone Packing Etc. Co. v. Hays*, 83 Mont. 1; *Ainsworth v. McKay*, 55 Mont. 270; *Sullivan v. Big Horn County*, 66 Mont. 45; *In re Hyde Claims*, 73 Mont. 363; *Simpson v. Silver Bow County*, 87 Mont. 83; *Lewis v. Petroleum County*, 92 Mont. 563.) "Powers not so conferred are in effect denied; a prohibition is implied from the failure to grant them." (*First National Bank v. Missouri*, 262 U. S. 640, 665.)

Section 4465 R. C. M. 1921, frequently amended, and re-enacted in full with additions by Chapter 100, Laws of 1931, is the specific grant of general powers