

**School Trustees, Powers Of. School Funds, Use Of. Funds,  
School, Used for Purpose Raised.**

Where bonds have been voted and funds raised from the sale thereof for a specific purpose, the trustees of such district are not authorized to use said funds, for any other purpose.

June 9, 1911.

Hon. John Hurley,  
County Attorney,  
Glasgow, Montana.

Dear Sir:

I am in receipt of your letter 7th inst., in which you ask my opinion upon the following question:

"After bonds have been voted by a school district for the erection of a building, and the bonds issued, can the trustees then submit to the voters of the district, a question of building two school houses with the proceeds of the bonds rather than one as at first contemplated."

At the time of the election, whereby the board of trustees were empowered to issue the bonds of the district, undoubtedly that authority was given the board to issue bonds "for the purpose of purchasing a school lot and building a school house thereon and furnishing the same." For example, I can conceive of how a taxpayer might be in favor of voting to issue \$2,000 bonds for the purpose of the erection of one \$2,000 school house, and the same taxpayer would be opposed to the construction of two \$1,000 school houses. Undoubtedly the only authority given to the board of trustees, was the issuance of the bonds in the amount stated, with the explicit understanding and authority of the electors that the funds thus voted, should be used in the erection of one school house.

Of course, where funds are already in the treasury of the district, the Board of School Trustees has a large discretion in controlling the affairs of the district, and I believe it is entirely within their power to exercise this discretion in the establishment of one school of sufficient capacity to accommodate the school children of the district, or if they deem it for the best interests of the district, to establish two smaller schools in different portions of the district, bearing in mind however, that a Board of School Trustees has no authority to expend any surplus funds that may remain to the credit of the district, after paying the necessary expenses of at least eight months of school, without the authority of the electors of the district so to do. However, in the case you cite, this particular fund was acquired by the authority of the electors of the district for a particular purpose, viz., the construction of a school house, and it is my opinion that the trustees would have no authority after receiving the sanction of the electors, in using the money thus obtained, in the construction of two school houses, and if it is the judgment of the trustees of the district in question that it will be for the best interests of the district that two school houses rather than

one be constructed, I would advise that this question be submitted to the electors of the district by the holding of an entirely new "bond election."

Very truly yours,

ALBERT J. GALEN,

Attorney General.