

School Trustees, Power Of. Trustees School District, Right to Build Dwelling House. Districts, School, Right to Build Dwelling House.

A board of school trustees has no authority to expend the money of the district for the construction of a dwelling house for the use of the janitor.

Nov. 11, 1911.

Hon. W. E. Harmon,
State Supt. of Public Instruction,
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the 1st inst., submitting the following question:

"Has a board of trustees the right to build a house for the janitor to live in? The house to cost \$1200 and to be built on the property of the board, and at the expense of the board."

This office has had occasion heretofore to construe a similar question in an opinion rendered to Hon. Henry G. Rodgers, County Attorney, Dillon, Montana, relative to the right of a county free high

school to acquire ground and construct buildings for dormitory purposes, in which it was held that the law is not sufficiently broad to confer that authority upon the board. If a school board has the authority to construct a dwelling house for a janitor it might with equal propriety construct dwelling houses for the teachers. There must be a limit somewhere, and the powers of boards are strictly construed.

I enclose you herewith copy of the opinion to Mr. Rodgers.

Very truly yours,

ALBERT J. GALEN,

Attorney General.