

**School Trustees, Authority to Build Barn. Trustees, School District, Powers of. Building, Authority School Trustees to Erect.**

The Board of School Trustees when the same is necessary for the welfare of the children, has authority to erect sheds for the care of animals necessarily used by the children in attendance upon the school.

April 30, 1915.

Hon. Herbert H. Hoar,  
County Attorney,  
Sidney, Montana.

Dear Sir:

I am in receipt of your letter of the 21st instant, submitting the question as to whether the school trustees have the right to use school moneys for building a barn on the school property for the use of the school children of the district. It is stated in your letter that several of the children live at distances so great as to require them to drive back and forth, and that it is necessary for some place to be provided for the care of their horses during the day.

There is no specific provision of law directly authorizing the erection of barns or sheds, but there is not any law prohibiting the trustees from doing the things necessary to secure the attendance of the children at school. No one would question their right to provide a cloak room or a safe place for lunch baskets, or to repair an entrance way to the school yards, as when necessary for protection or safety, to fence the school grounds, and I know of no reason why the Board should not be permitted to provide hitching places for horses when the same is necessary for the accommodation of pupils. Judgment of course would be used by the trustees in the kind, character and cost, and the accommodation thus provided would perhaps not approach the degree of a regular barn, as the same is commonly understood.

Your conclusion that the Board has this authority, to be exercised when necessary, and with reason and discretion, is affirmed.

Yours very truly,

D. M. KELLY,

Attorney General.