

School Trustees — Powers — Expenditures for Medical Treatment of School Children.

School trustees are not authorized to make an expenditure for medical treatment of school children, though they may provide such for indigent children.

December 9, 1918.

Mr. Wade R. Parks,
County Attorney,
Thompson Falls, Montana.

Dear Sir:

I have your letter of the 2nd in which you state that one of the school districts in your county has spent about \$1500 having the pupils of the school district examined and treated for tonsillitis and other physical troubles. Section 508 of the School Laws, Chapter 76 of the 1913 Session Laws, prescribes the powers and duties of the Board of Trustees

of a school district. By Paragraph 11 of this section, the Board has power to provide medical aid for indigent children, when it shall be made to appear that such aid is needed. I presume from your letter, however, that the expenditure in the case to which you refer did not come within the meaning of the above section.

By Section 2004 of the School Law, school moneys may be used by Trustees for the various purposes as authorized and provided in the Act and *for no other purpose*. I am not aware of any provision of our School Law which authorizes the above mentioned expenditure of school moneys. School districts are public corporations but their powers are very limited. They can exercise none except such as are conferred by the law creating them, either expressly or by fair implication. *Jay vs. No. 1*, 24 Mont. 219 at 232; 35 Cyc. 900-1. See also *City of Butte vs. S. D. No. 1* 29 Mont. 336.

Therefore I am of the opinion that the Board of Trustees did not act within their legal powers.

Respectfully,
S. C. FORD,
Attorney General.