

No. 224

**SCHOOLS—TRUSTEES, Board of School—LUNCHES FOR
SCHOOL CHILDREN****Held: There is no authority granted boards of school trustees to expend
school moneys for hot lunches for school children.**

August 26, 1941.

Mr. Arthur C. Erickson
County Attorney
Sheridan County
Plentywood, Montana

Dear Mr. Erickson:

In your letter of August 18, 1941, you inquired whether boards of school trustees may use school money to provide hot lunches at noon for school children.

I agree with you there is no authority granted boards of school trustees to expend school moneys for hot lunches for the school children, however meritorious and beneficial such measures may be.

An officer or a board must be able to point to the authorization of an official act.

“The power to act without authority does not exist.”

State ex rel. Bean v. Lyons, 37 Mont. 354, 364, 96 Pac. 922.

In most places some group or organization takes it upon itself to raise the necessary financing and management of such worthy endeavors.

Sincerely yours,

JOHN W. BONNER
Attorney General