

it shall be, by the treasurer, upon request of the state livestock commission, at once placed to the credit of the state livestock commission fund."

You state, in your letter requesting this opinion, the funds your commission contemplates investing are stock estray funds which have been held for more than two years.

I have been unable to find any authority granted the Livestock Commission to make investments out of funds either appropriated to it or entrusted to its care by operation of law.

"The entire source of governmental authority is found in the people. Either directly or through the legislature they create such officers and agencies as they deem desirable for the administration of public functions and declare the quantum of power to be exercised by each. Their will, in these respects, finds its expression in the Constitution and laws, either by express grant or by necessary implication; but no powers will be implied other than those necessary for the effective exercise and discharge of the powers and duties expressly conferred." (*Guillot v. State Highway Commission*, 102 Mont. 149, 56 Pac. (2d) 1072; *State ex rel. Dragstedt v. State Board of Education*, 103 Mont. 336, 338, 62 Pac. (2d) 330, 331, 332.)

No specific authority has been granted to the Livestock Commission to invest moneys which have been held as stock estray funds for more than two years; and nowhere in the law do I find a statute which grants such power by implication.

While the purchases the Livestock Commission contemplates are worthy and highly laudable, the doctrine of expediency does not enter into the construction of statutes. (*Franzke v. Fergus County*, 76 Mont. 150, 156, 245 Pac. 962, 965; *Opinion Number 430*, Volume 19, and *Opinion Number 47*, Volume 20, Report and Official Opinions of the Attorney General.)

Therefore, it is my opinion the Livestock Commission may not purchase United States war bonds out of moneys held in the stock estray fund.

Sincerely yours,
R. V. BOTTOMLY
Attorney General

Opinion No. 76.

Livestock Commission—Estray Funds —Bonds—Investments—Statutory Construction—War Bonds.

Held: The Livestock Commission may not purchase United States war bonds out of moneys held in the stock estray fund.

June 23, 1943.

Mr. Paul Raftery
Secretary
Montana Livestock Commission
Helena, Montana

Dear Mr. Raftery:

You have asked whether the Livestock Commission may purchase United States war bonds out of moneys held at the present time in the stock estray fund.

The Livestock Commission is authorized to take possession of estrays under the provisions of Chapter 290, Volume 2, Revised Codes of Montana of 1935. The procedure is outlined therein with regard to selling such estrays at public auction. Section 3336 provides the balance of the proceeds of a sale of an estray, after the expense of such sale have been paid, shall be subject to claim by the owner of the estray animal for a period of two years from the date of sale. Section 3338, after providing for advertisement of full descriptions of estrays for which the proceeds of sales remain in the hands of the treasurer unclaimed, provides in part:

" . . . when . . . the proceeds from the sale of such animals shall have remained in the hands of the state treasurer for a period of two years,