



**THE ATTORNEY GENERAL
OF TEXAS
AUSTIN, TEXAS**

~~Gerald C. Kahn~~
~~ATTORNEY GENERAL~~

Overruled by O-7160
WITHDRAWN

Hon. C. J. C. Ellingson
General Manager,
Texas Prison System
Huntsville, Texas

Dear Sir:

Opinion No. O-1916
Re: Right to sell prison-made
chairs to the American
Red Cross.

We are in receipt of your letter of January 23, 1940,
making the following request of this department:

"At a special meeting of the Texas
Prison Board on January 23, 1940, a let-
ter was read from Mr. W. A. Paddock,
Chairman, American Red Cross, Harris
County Chapter, asking permission for
the Prison System to make 25 chairs for
the Red Cross.

"Will you please give us an opin-
ion as to whether it would be permis-
sible for the Prison System to make and
sell these chairs to the Red Cross at
a minimum cost."

You are advised that your question is controlled
by Sec. 16, Chap. 212, p. 298, Acts Reg. Sess. 40th Legis-
lature, same being Article 6166c, Vernon's Annotated Civ-
il Statutes. The portion of said statutes material to the
question is as follows:

"The Board shall have power to
authorize the manager to sell and dis-
pose of all products of all farms and
industries connected with the prison
system and all personal and moveable
property, at such prices and on such
terms and under such rules as it may
deem best and adopt; and it may lease
any real estate for agricultural or
grazing purposes or lease other fixed
property and appurtenances belonging
thereto upon such terms as it may deem
advantageous to the interests of the
prison system."

It seems from the broad language used in this
statute that the Prison Manager is vested with the power

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to sell any article manufactured by the Prison System, upon such terms and conditions as the Board may deem best. It is therefore apparent that the advisability of holding the chairs in question, as well as the terms upon which such sale should be made, lie exclusively in the discretion of the Texas Prison Board.

Trusting that the foregoing gives you the information desired, we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

By /s/ Grover Sellers
Assistant

GT-KR:jrb

APPROVED FEB. 10, 1940
/s/ Gerald C. Mann
ATTORNEY GENERAL OF TEXAS

APPROVED OPINION COMMITTEE
BY H&B, Chairman