



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable F. L. Nassie  
County Auditor  
Wilbarger County  
Vernon, Texas

Dear Sir:

Opinion No. 0-3192  
Re: Does a county have authority  
to issue a franchise to operate  
a jitney bus on its roads?

Your request for opinion upon the above stated ques-  
tion has been received and carefully considered by this de-  
partment.

We quote from 11 Texas Jurisprudence, pages 563-4-5,  
as follows:

"Counties, being component parts of the State, have no powers or duties except those which are clearly set forth and defined in the Constitution and statutes. The statutes have clearly defined the powers, prescribed the duties, and imposed the liabilities of the Commissioners' Courts, the medium through which the different counties act, and from those statutes must come all the authority vested in the counties . . ."

"... Commissioners' Courts are courts of limited jurisdiction, in that their authority extends only to matters pertaining to the gen-  
eral welfare of their respective counties and that their powers are only those expressly or impliedly conferred upon them by law, - that is, by the Constitution and statutes of this state. . . ."

We quote from 19 Texas Jurisprudence, pages 876-879,  
as follows:

NO COMMUNICATION IS TO BE CONSIDERED

Honorable F. L. Massie, Page 2

"To be a franchise the right must be of such a nature that, without express legislative authority, it cannot be exercised. . . . The legislative department of the government is the source of the grant of a franchise, . . . The legislature, unless constitutionally inhibited, may exercise its authority by direct legislation, or through agencies duly established having power for that purpose. . . ."

We have been unable to find any statutory or constitutional authority, either express or implied, which would authorize the Commissioners' Court to grant a jitney bus franchise.

Opinion No. 0-1805 of this department holds that the Commissioners' Court of Brewster County, Texas, has no authority to grant a franchise to the Central Power & Light Company to cover Brewster County, Texas.

Opinion No. 0-2517 of this department holds that the Commissioners' Court of Montgomery County has no authority to grant a franchise to a telephone company.

You are respectfully advised that it is the opinion of this department that your question should be answered in the negative, and it is so answered.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By 

Wm. J. Fanning  
Assistant

APPROVED MAR 1, 1941

WJF:GO

  
ATTORNEY GENERAL OF TEXAS