



TRUE ATTORNEY GENERAL  
OF TEXAS

GERALD C. MANN

~~JOHN BOESCH~~  
ATTORNEY GENERAL

AUSTIN 11, TEXAS

Honorable Frank Wright  
County Auditor  
Fannin County  
Bonham, Texas

Dear Sir:

Opinion No. 0-3669

Re: Does the commissioners' court  
have the authority to donate  
to a fund sponsored by an Ameri-  
can Legion Post for the purpose  
of purchasing a pulmotor?

Your letter of June 2, 1941, requesting an opinion of this department upon the above stated question has been received.

The courts of Texas have repeatedly held that county commissioners' courts may exercise only such authority as is conferred, expressly or by implication, by the Constitution and the statutes of this State. The authorities to this effect are so numerous we do not deem it necessary to cite them.

In Opinion No. 0-1001, this department held that the commissioners' court does not have authority to donate county funds to the American Red Cross and other charitable organizations.

Opinion No. 0-591 of this department held that the commissioners' court of Galveston County, Texas, was without authority to expend county funds for the employment of life guards for the Galveston beach.

There are many other opinions of this department holding in effect that the county commissioners' court has no legal authority to expend county funds for any purpose unless duly authorized by law. After a careful search of the authorities, we fail to find any authority, authorizing the commissioners' court to donate or expend any county funds for the above mentioned purpose. Therefore, the above stated question is respectfully answered in the negative.

Honorable Frank Wright, page 2 (0-3669)

Trusting that the foregoing fully answers your inquiry, we  
are

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By: Ardell Williams /s  
Ardell Williams  
Assistant

AW:db

APPROVED June 15, 1941

Glen R. Lewis  
Acting Attorney General

APPROVED  
Opinion  
Committee  
By BWB  
Chairman