



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

0-4900
GERALD C. MANN
ATTORNEY GENERAL

Honorable Clyde Barton
County Auditor
Winkler County
Kermit, Texas

Dear Sir:

Opinion No. 0-4906
Re: Would it be legal for the
Commissioners' Court of Wink-
ler County to invest money in
the lateral road fund of said
county in United States War
Savings Bonds?

Your telegram of October 5, 1942, requesting the
opinion of this department on the above stated question has
been received and carefully considered.

For the purposes of this opinion we assume that you
refer to moneys allocated to the county from the lateral road
account under Title 116, Article 6674Q-1 and the following
articles as amended by the 47th Legislature, First Called Ses-
sion, Acts 1941.

Article 6674Q-7, Vernon's Annotated Civil Statutes,
fully enumerates the purposes for which said fund may be ex-
pended or used by the county receiving the fund. Said statute
does not authorize the commissioners' court of any county to
invest such fund or any part thereof in War Savings Bonds.

Article 6674Q-8(c) provides:

"It shall be unlawful for any county judge
or any county commissioner, while acting in his
official capacity or otherwise, to use any money
out of the lateral road account for any purpose
except the purposes enumerated in this Act. If
any county judge or any county commissioner shall
knowingly expend or use, or vote for the use or
agree to expend or use any sum of money accruing
to any county in this state from the lateral

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road accounts, for any purpose not authorized by this Act, or shall knowingly make any false statement concerning the expenditure of any such money, he shall be deemed guilty of a felony and upon conviction shall be punished by confinement in the State Penitentiary for not less than two (2) years nor more than five (5) years."

In view of the foregoing statutes we respectfully answer the above stated question in the negative.

Trusting that the foregoing fully answers your inquiry, we are

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Ardell Williams*
Ardell Williams
Assistant

RECORDED OCT 23, 1942

Ernest Assistant
ERNEST ASSISTANT
ATTORNEY GENERAL

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