



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

6-5-44  
GERALD C. MANN  
ATTORNEY GENERAL

Honorable H. D. Stringer  
County Attorney, Hall County  
Memphis, Texas

Dear Sir:

Opinion No. 9-5448  
Re: Authority of county  
to underwrite expenses  
of Government in mov-  
ing building to house  
war prisoners.

This is in response to your letter of July 12, 1943,  
requesting the opinion of this department on the following  
matter:

"The Commissioners' Court of this County has asked my advice with respect to the County entering into a contract for the underwriting of certain expenses to be incurred in moving and setting up certain buildings to house prisoners of war for use in harvesting the crops in this county.

"As I understand the situation the government has certain buildings in other localities which will be moved here and set up. The prisoners of war will be farmed out to different farmers and these farmers will pay the government \$1.50 per day for each prisoner's labor. In the moving of these buildings and setting them up certain expenses will be incurred and the government wants to be assured that sufficient farmers will employ sufficient prisoners to insure a return of these expenses.

"I have advised the court that I can find no legal authority for the county to underwrite such an undertaking as this, though in all probability there will be no liability on the county.

"Because of the acute farm labor shortage here the question of securing these prisoners of war is affected with considerable interest, and I would appreciate you advising me if there is anyway the county can enter into this matter legally."

Honorable H. D. Stringer, page 2

You are, of course, familiar with the general rules set forth in 11 Texas Jurisprudence at pages 563-4-5 to the effect that:

"\* \* \* 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 authority vested in the counties. \* \* \*

"\* \* \* Commissioners' Courts are courts of limited jurisdiction in that their authority extends only to matters pertaining to the general 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 the state. \* \* \*

You are also familiar with Article 5, Section 18 of the Constitution of Texas, which limits the powers and jurisdiction of the county commissioners' court to "county business" and with Article 5, Section 52 of the Constitution, which provides, in part:

"The Legislature shall have no power to authorize any county \* \* \* to lend its credit or to grant public money or thing of value in aid of, or to any individual, association, or corporation whatsoever. \* \* \*

You desire to know whether or not Hall County may contract to indemnify the Federal government in moving buildings to your county to house war prisoners; the understanding being that Hall County will reimburse the government if not enough farmers take advantage of prison labor at \$1.50 per day per prisoner (to be paid to the Government) to justify the expense.

Honorable H. D. Stringer, page 3

In our opinion, under the authorities cited, Hall County has no such authority.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By *James D. Smallen*  
Jas. D. Smallen  
Assistant

APPROVED JUL 28, 1943

*James D. Smallen*

FIRST ASSISTANT  
ATTORNEY GENERAL

JDS:EP

