



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GROVER SELLERS  
ATTORNEY GENERAL

Texas Prison System  
Huntsville, Texas

Attention: Mr. L. W. Wright

Dear Sir:

Opinion No. 0-7354

Re: Whether the Texas Prison System or the State of Texas is the proper claimant in filing a claim against the Federal Government, under the facts submitted.

We are in receipt of your letter of September 16, 1946, wherein you request our opinion on the following state of facts:

An army truck on maneuvers side-swiped and damaged a parked Dodge - pickup truck owned and operated by the Texas Prison System. Query, whether the Texas Prison System or the State of Texas is the proper claimant in filing a claim against the Federal Government,

Article 6166g, Control of Prison System, provides as follows:

"The Texas Prison Board, together with the manager hereinafter provided for, shall be vested with the exclusive management and control of the Prison System, and all properties belonging thereto, subject only to the limitations of this Act. . . ."

We do not find any limitations in this Act, but an expressed grant of authority to the Prison System to bring suit in Article 6166i, Revised Civil Statutes:

"The Texas Prison Board is authorized to bring and maintain suits for the collection and enforcement of all demands and debts owing to the prison system. The venue of such suits shall be in Travis County, and such suits shall be instituted and prosecuted by the Attorney General. No bond for costs,

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appeal bond, supersedeas bond, writ of error bond, or other security shall at any time be required of the Texas Prison Board in any civil suit of any kind brought by or against it or them in its or their official capacity as such Board or members thereon, except such suits as may be brought against it or them by the State of Texas. . . ."

The authority to bring suit carries with it by implication the authority to make demands by filing a claim for damages.

It is therefore our opinion that the Texas Prison System is authorized to make the claim for the damages under the facts set out above. We are herewith returning your file as per your request.

Very truly yours,

ATTORNEY GENERAL OF TEXAS

By: (signed) W. P. Watts  
Assistant.

WFW:mj;rt  
APPROVED: OCT. 3, 1946  
(signed) Grover Sellers  
Attorney General of Texas

Approved: Opinion Committee  
By: E.V.B. Chairman