



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable John R. Shook
Criminal District Attorney
Bexar County
San Antonio, Texas

Dear Sir:

Opinion No. 0-7484

Re: Whether litigation in regard to
Bexar County Road and Bridge Warrants
is of such a nature as to support
County Auditor in refusing to issue
Bexar County Robert E. Green Hospital
Time Warrants.

We have your letter of November 6, 1946, together with copies of petition and answer in Case No. F-36530, 73rd Judicial District Court, Bexar County, Texas, styled Clyde Wentland, et al vs. Charles W. Anderson, et al. In your letter you state that the nature of the aforesaid case is a proceeding to enjoin the appropriate Bexar County officials from issuing certain Road and Bridge Warrants, and that, because of this litigation, the County Auditor has refused to issue certain Bexar County Robert E. Green Hospital Time Warrants. We quote from your letter as follows:

"The question which is presented for your consideration, therefore, is whether or not the pending litigation on the Road and Bridge Warrants presents such a situation as would place individual liability upon the County Auditor if he issued the (Robert E. Green Hospital Time) Warrants, after services had been performed by the employees of the hospital and after the payroll of such hospital had been approved and certified by the Commissioners' Court as being correct and authorizing its payment from the Time Warrant Issue? He is particularly concerned with protecting the financial interest of the County and performing his duties with reference to county finances."

We have carefully examined the Plaintiff's original petition and defendant's answer in the above styled and numbered case of

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Wentland vs. Anderson, now pending in the 73rd District Court of Bexar County, Texas, and find that neither the grounds for complaint recited in such petition nor any part of such proceeding has relation to the issuance by Bexar County of the aforesaid Robert E. Green Hospital Time Warrants.

These two issues of warrants were authorized by separate proceedings, and one bears no relation to the other. The validity of one issue cannot be challenged by a suit limited to the other. Further, we understand that the aforesaid proceeding has been dismissed, since receipt of your opinion request; accordingly, in answer to your question, we hold that the aforesaid litigation does not present such a situation as would place individual liability upon the County Auditor if he issues the proposed Robert E. Green Hospital Time Warrants, the question of the authority of the County to issue such Warrants having been decided by us in our previous Opinion No. O-7054, a copy of which has already been sent to you.

We wish to emphasize that this opinion is expressly limited to the specific question asked.

Very truly yours,

ATTORNEY GENERAL OF TEXAS

By

W. H. Blanton, Jr.
W. H. Blanton, Jr.
Assistant

WKB/LR

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