



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

PRICE DANIEL
ATTORNEY GENERAL

April 24, 1947

Hon. Bun L. Hutchinison Opinion No. V-164
County Attorney
Bowie County
Boston, Texas

Re: Authority of the Commissioners' Court to pay hospital and doctor bills of a special Highway Patrolman injured in the course of his employment.

Dear Sir:

We refer to your letter of April 10th, 1947, which is as follows:

"Mr. Wardlow Northam was employed by the Commissioners' Court of this county as a Special Highway Patrolman during a period of emergency, and while in the course of his employment Mr. Northam received serious bodily injuries, which has required the expenditure of a considerable sum of money by way of hospital and doctor bills. Now Mr. Northam has requested the Court to help defray these expenses, and the Commissioners' Court is desirous of helping him in the amount of the actual hospital and doctor bills, if there is any authority for them doing so.

"Please advise as to whether or not the Commissioners' Court of this county has the authority to pay such bills."

We assume that the hospital and doctor bills mentioned in your inquiry are in addition to the compensation which is provided in Mr. Northam's contract of employment.

Commissioners' Courts have only such powers as are expressly or by necessary implication given by the Constitution and statutes of this State. Const. art. V, sec. 18; Mills vs. Lampasas County, 40 S. W. 4039 90 Tex. 606; G. H. and S. A. Ry. Co. vs. Uvalde County, 167 S. W. 2d. 305.

After a careful study of your question, we have found no authority, express or implied, which authorizes the Commissioners' Court to expend county funds to pay hospital and doctor bills of a special highway patrolman injured while in the course of his employment. Therefore, your question is answered in the negative.

We are enclosing copies of our Opinions Nos. 0-1967 and 0-2951, which hold that a Commissioners' Court has no authority to pay the hospital and doctor bills of a deputy sheriff and of a constable who were injured while in line of duty.

SUMMARY

The Commissioners' Court of Bowie County does not have authority to pay hospital and doctor bills of a special highway patrolman who was injured while in the course of his employment. Const. Art. III, Sects. 52 and 53; G. H. & S. A. Ry. Co. v. Uvalde County, 167 S. W. 2d 305.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By

W. T. Williams
W. T. Williams
Assistant

APPROVED APR. 25, 1947

Price Daniel
ATTORNEY GENERAL

WTW:jam:wb:dr:mrj
Encl.