



**THE ATTORNEY GENERAL  
OF TEXAS**

AUSTIN, TEXAS 78711

WAGGONER CARR  
ATTORNEY GENERAL

August 12, 1966

OVERRULED BY JM-398

Honorable Charles A. Allen  
Criminal District Attorney  
Harrison County Courthouse  
Marshall, Texas

Opinion No. C-739

Re: Reimbursement by Harrison  
County to county jail in-  
mates whose money and val-  
uables were taken by es-  
caping prisoners.

Dear Mr. Allen:

In an opinion request of this office you pose the following question:

"On the 27th day of May, 1966 three (3) prisoners sawed their way out of confinement in the jail of Harrison County, Texas; pulled a knife on the jailer and took in excess of \$400.00 cash and other valuables belonging to prisoners who were then confined in the County Jail. Can Harrison County legally reimburse the people whose money and valuables were taken by the escapees?"

We answer your question in the negative. The expenditure of public funds by a county commissioner's court may be made only if it is authorized by the Constitution or statutes of the State of Texas. De Mary v. Jefferson County, 179 S.W. 2d 584 (Tex. Civ. App. 1944, error ref.); Canales v. Laughlin, 214 S.W. 2d, 451 (Tex. Sup. 1948); Harrison County v. City of Marshall, 253 S.W. 2d 67 (Tex. Civ. App. 1952, error ref.) We find no authorization for a county to reimburse prisoners of the County Jail for cash and/or other valuables belonging to said prisoners which was taken from the County Jail by escaping prisoners.

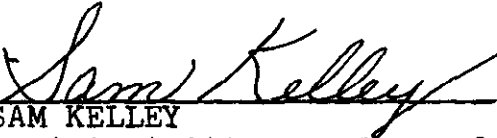
**S U M M A R Y**

Harrison County may not legally reimburse inmates of the County Jail for money and/or other valuables belonging to them, taken from the custody of the Sheriff by escaping prisoners.

Honorable Charles A. Allen, page 2 (C-739)

Yours very truly,

WAGGONER CARR  
Attorney General of Texas

By   
SAM KELLEY  
Assistant Attorney General

SK/lh

APPROVED

OPINION COMMITTEE

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APPROVED FOR THE ATTORNEY GENERAL  
BY: T. B. WRIGHT