



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

Gerald C. Mann
EDWARD WILSON
ATTORNEY GENERAL

May 1, 1939

Honorable George H. Sheppard
Comptroller of Public Accounts
Austin, Texas

Dear Sir:

Opinion No. O-714

Re: Authority of Comptroller to issue
warrant to pay funeral expenses of
deceased janitor of State Senate.

Your letter of April 26, 1939 requests of this Department an opinion as to whether your Department is authorized to issue a warrant in payment of the account of W. H. Fuller, Funeral Director, for the funeral expenses of Tom Burton, who was on the payroll of the State Senate as Janitor at the time of his death.

To your letter was attached the claim, which is returned to you herewith.

Section 3 of Article 8 of the Texas Constitution provides as follows:

"Taxes shall be levied and collected by general laws and for public purposes only."

Section 51 of Article 3 of the Texas Constitution provides in part as follows:

"The Legislature shall have no power to make any grant or authorize the making of any grant of public money to any individual, association of individuals, municipal or other corporations whatsoever,..."

Section 6 of Article 16 of the Texas Constitution provides as follows:

"No appropriation for private or individual purposes shall be made. A regular statement, under oath, and an account of the receipts and expenditures of all public money shall be published annually, in such manner as shall be prescribed by law."

Hon. George H. Sheppard, May 1, 1939, Page 2. O-714

Upon the authority of the citations from the Texas Constitution above quoted, you are advised that it is our opinion that your Department is not authorized to issue a warrant in payment of this claim.

Yours very truly

ATTORNEY GENERAL OF TEXAS

S/ R. W. Fairchild

By

R. W. Fairchild
Assistant

RWF:PEP:LDW

ENCLOSURE

APPROVED:

s/ Gerald C. Mann

By

Gerald C. Mann
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