



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable D. W. Stakes
General Manager
Texas Prison System
Huntsville, Texas

Dear Mr. Stakes:

Opinion No. O-4528

Re: Matter of disposition of certain
junk materials on the Prison Sys-
tem property formerly belonging
to the State.

Your request for an opinion upon the above subject
matter is as follows:

"I am enclosing herewith our file which in-
cludes everything we have been able to locate
concerning the old sugar mill machinery located
on the Clemens State Farm, Brazoria County, Texas,
which is according to our information sold by the
Texas Prison System to Givvons and Gordon, New Or-
leans, La.

"The site on which this old machinery is
located is near the main building of the Clemens
State Farm and it is our desire to erect a barn
or warehouse on that particular site.

"Due to the shortage of steel and iron, we
would like very much for our government to be
able to use this pile of junk, as that is all
it is, and we are sure that it cannot be used
otherwise.

"Please advise us what steps are necessary
for us to sell this property and what disposi-
tion should be made of the proceeds in the event
we are permitted to sell it."

Under the facts stated, you are advised that
neither the Texas Prison System, nor any other agency
of the State, has the right to sell this property, for

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the simple reason it does not appear to belong to the State; it was sold and paid for many years ago.

We suggest, however, that you communicate with Messrs. Gibbons & Gordon, the purchasers of said property, and insist upon their immediately selling this property to some junk dealer, so that the same may come into the hands of the Government; or, in the alternative, they release to the State of Texas all right, title and interest whatsoever in and to the same.

If these gentlemen pursue the first course suggested, there is an end to the matter, and if, on the contrary, they relinquish the property to the State, and you will so advise us, we will then give further advice as to how to dispose of the same.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By (s) Ocie Speer
Assistant

OS-MR

APPROVED
AUG 17, 1942
Grover Sellers
FIRST ASSISTANT

APPROVED
OPINION COMMITTEE
BY B W B
CHAIRMAN