



**THE ATTORNEY GENERAL
OF TEXAS**

GERALD C. MANN

ATTORNEY GENERAL

AUSTIN 11, TEXAS

Honorable Jack Wiech
County Attorney
Cameron County
Brownsville, Texas

Dear Sir:

Opinion No. O-4747
Re: Sheriffs' -- Commissioners'
Court -- control over court-
house.

Your request for opinion upon the following stated questions:

"1. Does the Sheriff of Cameron County have the authority to determine whether or not, as a matter of public convenience, space in the lobby of the county courthouse may be used by a private individual for the purpose of conducting a cold drink and cigar stand?

"2. Does said sheriff have the authority to name such private individual?

"3. Does the Sheriff of Cameron County have charge and control of the courthouse of said county to the extent that it is within his authority to determine whether or not the court rooms thereof may be used for purposes other than holding court, such as political meetings and club meetings of various kinds?"

has been received and carefully considered by this department.

In the case of *Dodson vs. Marshall*, Tex. Civ. App., 118 S.W. (2d) 621, writ refused, the court held that the action of the county commissioners' court of Grayson County, Texas in permitting an individual to maintain a cigar and cold drink stand in an unused alcove in the rotunda of the county courthouse for a stipulated rental, such privilege being terminable at the will of the commissioners' court, was discretionary, and could not be interfered with by the courts in a suit to enjoin the granting and exercise of such privilege, where the exercise of such privilege would not interfere with the proper use of the courthouse or cause the county any expense, and would afford a convenience to those transacting business in the courthouse.

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Upon the authority of the case of Anderson, County Judge, et al, v. Wood, Sheriff, Tex. Sup. Ct., 152 S. W. (2d) 1084, cited in your letter, and authorities there cited, including Dodson v. Marshall, supra, we answer each of your questions in the negative.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By /s/ Wm. J. Fanning
Wm. J. Fanning
Assistant

WJF:nw:lm

APPROVED AUG 4, 1942

/s/ Gerald C. Mann

ATTORNEY GENERAL OF TEXAS

APPROVED
OPINION
COMMITTEE
BY /s/ BWB
CHAIRMAN