



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable J. E. McDonald
Commissioner, Department
of Agriculture
Austin, Texas

Dear Mr. McDonald: Attention: Mr. Charles E. Baughman

Opinion No. 0-5113

Re: Authority of the Department to
purchase Stallion for breeding
purposes.

Your request for an opinion from this department
reads as follows:

"The State Department of Agriculture has
been requested to make purchase of a certain
type of horse for breeding purposes, which
the Department does not have.

"Please advise whether the Department
would have the authority under House Bill No.
12, Chapter 23, Acts of the Forty-fifth Legis-
lature or any of the Acts previously passed
of which H. B. No. 12 might be cumulative to
make purchase of a horse and/or stallion to
be placed according to the Jack and Stallion
Act."

House Bill No. 12, (Laws of Texas, 45th Legisla-
ture, p.1794) is an Act dealing with the subject of author-
ity of the department relating to "State-owned jacks and
stallions and the lease thereof." There is nothing in the
Act that would confer the authority mentioned in your inquiry.

Moreover, in no event could an expenditure be made
by your department from any fund or source whatsoever, in the
absence of a specific appropriation therefor, and an examina-
tion of the current appropriation fails to disclose any item
that would cover the subject. The nearest approach, perhaps,

to such an appropriation is to be found in the fees appropriated under Item 108, and it will be seen that those fees are for the specific purposes of paying "additional salaries, equipment, automobiles, traveling expenses and other necessary expenses incident to the administration of these acts (therein enumerated), and such fees collected shall be used for no other purposes."

We trust this will be sufficient answer to your inquiry.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By (s) Cole Speer
Assistant

OS-MR
OS-JRS

APPROVED FEB 19, 1943

(s) Grover Sellers

FIRST ASSISTANT
ATTORNEY GENERAL

APPROVED OPINION COMMITTEE

By (s) BWB, Chairman