



**THE ATTORNEY GENERAL  
OF TEXAS**

~~GROVER SELLERS~~

~~AUSTIN 11, TEXAS~~

~~ATTORNEY GENERAL~~

Honorable Ben J. Dean  
District Attorney  
90th Judicial District  
Breckenridge, Texas

Dear Sir:

Opinion No. 0-5901

Re: Authority of the commissioners' court to pay a pro rata part for printing work plans for a Soil Conservation District embracing such county

Your letter of February 26, 1944, requesting an opinion of this department, contains the following question:

"Does the Stephens County Commissioners' Court have the power or authority to pay a pro rata part for printing work plans for the Lower Clear Fork of the Brazos Soil Conservation District No. 531?"

It is apparent from your letter that the district in question is organized under the provisions of Article 165a-4, Vernon's Annotated Civil Statutes.

It is settled by the authorities, followed by numerous opinions of this department, that commissioners' courts are courts of limited jurisdiction, in that their authority extends only to matters pertaining to the general welfare of their respective counties and that their powers are only those expressly or impliedly conferred upon them by law. 11 Texas Jurisprudence, Section 37, page 564 and cases cited thereunder.

The power of such courts to make appropriations or expend county funds is controlled by the above rule of law. After careful search and examination of the statutes, including the provisions of Article 165a-4, Vernon's Annotated Civil Statutes under which the district was created, we are unable to find any authority for the Commissioners' Court of Stephens County to expend county funds for the purpose set forth in your inquiry. Involving the same principle, we held in our opinion No. 0-3403 that the commissioners' court has no power to make cash donations to Soil Conservation Districts created under this statute, embracing such county.

You are respectfully advised that it is the opinion of this department that the commissioners' court is without authority to pay out county funds

Honorable Ben J. Dean, Page 2 (G-5901)

on the cost of printing work plans for a Soil Conservation District created under Article 165a-4, Vernon's Annotated Civil Statutes.

Yours very truly

APPROVED MAR 10, 1944

ATTORNEY GENERAL OF TEXAS

/s/ Geo. P. Blackburn

ACTING ATTORNEY GENERAL OF TEXAS

By /s/ Wm. J. R. King  
Wm. J. R. King  
Assistant

WJRK:ff:lm

APPROVED  
OPINION  
COMMITTEE  
BY /s/ BWB  
CHAIRMAN