



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable D. W. Burkhalter, Acting
County Attorney
Throckmorton County
Throckmorton, Texas

Dear Sir:

Opinion No. 0-7197
Re: Authority of the Commissioners' Court to make a donation to the citizens of Throckmorton County for the purpose of building a co-operative hospital.

In your letter of April 1, 1946, presenting the above question for an opinion of this department, you state that the citizens of Throckmorton County are undertaking to organize and build a co-operative hospital in the county, having their charter and organization perfected, and a donation from the Commissioners' Court is desired for that purpose.

It is settled by the authorities in this State that the commissioners' courts are courts of limited jurisdiction and may exercise only such authority as is conferred by the Constitution and statutes of this State.

Several sections of articles of the Constitution of Texas are pertinent to the question. We merely call attention to the following provisions:

Article 3, Section 52, provides, in part:

"The Legislature shall have no power to authorize any county . . . to grant public money . . . to any individual, association or corporation whatsoever, or to become a stockholder in such corporation, association or company; . . ."

Article 11, Section 3 provides that no county shall become a subscriber to the capital of any private corporation or association, or make any appropriation or donation to the same, or in anywise loan its credit.

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Conference Opinion No. 2662 of this department, dated February 4, 1927, book 62, page 46, Reports and Opinions of the Attorney General, 1926-1928, and followed in numerous opinions, among which are Opinions No. 0-1001 approved December 13, 1939, and 0-5563 approved September 17, 1943, held that the commissioners' court has no authority to appropriate or donate public funds to charitable institutions, operated and managed or controlled by private individuals.

In view of the foregoing authorities, you are respectfully advised that in the opinion of this department the Commissioners' Court is without legal authority to donate county funds to the building within the county of a privately chartered co-operative hospital.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *[Signature]*
Hon. J. R. King
Assistant

[Signature]
APPROVED APR 23 1946
FIRST ASSISTANT
ATTORNEY GENERAL
WJRK:ddt

APPROVED
OPINION
COMMITTEE
BY *[Signature]*
CHAIRMAN