



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD
ATTORNEY GENERAL**

April 22, 1953

Hon. Lloyd G. Rust, Jr.
County Attorney
Wharton County
Wharton, Texas

Letter Opinion No. MS-25

Re: Authority of the commis-
sioners' court to issue
time warrants to finance
an addition to the county
hospital.

Dear Sir:

You have asked us the following question:

"Can Wharton County finance an addition to the Wharton County Nightingale Hospital, a county hospital, by the issuance of interest-bearing time warrants to be retired over a period of five or six years?"

The Wharton County Nightingale Hospital is a county hospital, and it was duly and legally established pursuant to the provisions of Articles 4478-4493, Vernon's Civil Statutes. Seydler v. Borden, 115 S.W.2d 702 (Tex.Civ. App. 1938, error ref.).

Article 4478, Vernon's Civil Statutes, states in part:

"The commissioners court of any county shall have power to establish a county hospital and to enlarge an existing hospital. . ."

It has been held in Attorney General's Opinions 0-6962 (1946) and V-779 (1949) copies of which are enclosed, that the commissioners court of a county can issue interest bearing time warrants for the purpose of establishing and equipping a county hospital, and the payment for new construction and improvement of certain existing facilities of county hospitals. These opinions are applicable to your request.

You are therefore advised that Wharton County may finance an addition to the Wharton County Nightingale Hospital by the issuance of interest bearing time warrants to be retired under a period of five or six years, provided, of course, that the requirements of Article 2368a, Vernon's Civil

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Statutes, are met, and that the county has the financial power to justify the issuance of such warrants.

Yours very truly,

JOHN BEN SHEPPERD
Attorney General

By
Sam C. Ratliff
Assistant

SCR:am:wb

Encls.