



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

July 3, 1957

Honorable Richard E. Rudeloff
County Attorney, Bee County
Beeville, Texas

Opinion No. WW-181.

Re: Authority of Commissioners' Court to purchase law library from legal representative of deceased District Judge.

Dear Sir:

Your opinion request of June 17, 1957, presents the question of whether the Commissioners' Court of Bee County has the authority to purchase the law library of the late W. G. Gayle, formerly Judge of the 36th Judicial District, from the legal representative of the late Judge Gayle.

Section 1, Article 1702h, Revised Civil Statutes, provides that Commissioners' Courts of all counties have the authority, by first entering an order, to establish and maintain a County Law Library. Section 2 provides that the Court may appropriate \$10,000 or such part thereof as it may deem necessary, to properly establish such library.

The legal representative of a deceased District Judge, considered only as a legal representative, is a stranger as regards the Commissioners' Court. He is not an "officer of any county", "interested . . . in the purchase of anything . . . on account of such county" within the meaning of Article 373, Vernon's Penal Code. This statute fully covers the self-dealing situation which would exist if the legal representative were a member of the Commissioners' Court. We assume that neither the legal representative nor any of the heirs or legatees of the deceased District Judge are county officers so as to come within the scope of Article 373, Vernon's Penal Code.

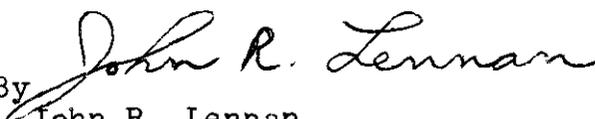
If the Commissioners' Court has established, on its own initiative, a County Law Library in accordance with the provisions of Article 1702h, Vernon's Revised Civil Statutes, the Commissioners' Court may purchase a law library from the legal representative of a deceased District Judge.

SUMMARY

Under certain assumptions, the Commissioners' Court has the authority to purchase a law library from the legal representative of a deceased District Judge.

Very truly yours,

WILL WILSON
Attorney General of Texas

By 
John R. Lennan
Assistant

JRL:pf:wb

APPROVED:

OPINION COMMITTEE

H. Grady Chandler, Chairman
Larry Jones
Joe Rollins
Milton Richardson

REVIEWED FOR THE ATTORNEY GENERAL

BY: Geo. P. Blackburn