



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Hon. J. D. Looney
County Auditor
Bowie County
Boston, Texas

Dear Sir:

Opinion No. 0-2102

Re: Would it be legal for the commissioners' court of Bowie County to create the job of County Veterinarian to share part time in an adjoining county, each county paying its pro-rata share of the salary?

Your request for opinion upon the above stated question has been received and carefully considered by this department.

We quote from 11 Texas Jurisprudence, pages 563-4-5, as follows:

"Counties, being component parts of the State, have no powers or duties except those which are clearly set forth and defined in the Constitution and statutes. The statutes have clearly defined the powers, prescribed the duties, and imposed the liabilities of the commissioners' courts, the medium through which the different counties act, and from these statutes must come all the authority vested in the counties.... 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, that is, by the Constitution and statutes of this State."

After a most careful search, we have been unable to find any constitutional or statutory authority, either express or implied, which would authorize the commissioners'

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court of Bowie County to create the office of county veterinarian and pay him a salary out of county funds.

You are therefore respectfully advised that it is the opinion of this department that your question should be answered in the negative, and it is so answered.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

(Signed) Wm. J. Fanning
Assistant

WJF:AW

APPROVED APR. 1, 1940

(Signed) Gerald C. Mann

ATTORNEY GENERAL OF TEXAS

APPROVED
Opinion
Committee
By BWB
Chairman