



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

WILD C. MANN
ATTORNEY GENERAL

February 24, 1939

Honorable W. Lee O'Daniel
Governor of Texas
Austin, Texas

Dear Governor:

Opinion No. O-363
Re: Authority to Sell State
School Land to the United
States.

This Department acknowledges receipt of your letter of the 17th instant enclosing a copy of a memorandum for Dr. H. H. Bennett, Chief, Soil Conservation Service, by Martin G. White, Solicitor of the United States Department of Agriculture. You request us to give you an opinion on the subject discussed in this memorandum.

The question discussed is whether the State of Texas may sell to the United States approximately 27,570 acres of public free school land owned by the State of Texas in Dallas County for the Tri-State Land Utilization and Land Conservation Project.

Under the terms of House Bill No. 373, approved by the Governor on February 7, 1939, and effective on that date, all of the public free school lands are withdrawn from sale or lease from the effective date of said act until after the expiration of ninety days from the adjournment of the Regular Session of the Forty-sixth Legislature.

In view of this act, it is seen that this land is not only not subject to sale to the United States but is not subject to sale to any person. The Legislature probably thought that during the Regular Session of the present Legislature the present land laws will be amended, and for this reason withdrew all school land from sale to await further action by the Legislature. Any discus-

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sion we might make of the power to sell any of this land to the United States, if and when the Legislature does or does not do something with reference to the present land laws, will be purely academic.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *H. Grady Chandler*
H. Grady Chandler
Assistant

HGC:LM

APPROVED:

Gerald C. Mann
ATTORNEY GENERAL OF TEXAS

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