



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable T. K. Wilkinson  
County Auditor  
Hill County  
Hillsboro, Texas

Dear Sir:

Opinion No. 0-4754  
Re: Hill County is not liable for  
damages under the facts stated.

Your request for opinion has been received and carefully considered by this department. We quote from your request as follows:

"On one of our Hill County public roads a County owned motor grader and automobile owned and operated by an individual, a resident of the county, had a collision.

"The motor grader was in motion grading this particular road. Is the County liable for property damage to the automobile or compensation for injuries to the parties therein?"

Section 92, Counties, 11 Texas Jurisprudence, pages 627 and 628, reads in part as follows:

"§ 92. Liability of County in General. - It has long been the law in Texas that a county is not liable in damages for injuries sustained in consequence of the tortious or negligent acts of its agents or employees, unless liability therefor be created by statute, either in express terms or by necessary implication. . . ."

Opinion No. 0-2779 of this department held that Liberty County, Texas, was not liable for a truck wreck under the facts related. We enclose herewith a copy of said opinion for your information.

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Under the facts stated above, we are unable to perceive any theory upon which the county could be held liable for damages for the collision above described. We therefore answer your question in the negative.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Wm. J. Fanning*  
Wm. J. Fanning  
Assistant

WJF:GO

ENCLOSURE

APPROVED AUG 10, 1942

*Gerald C. Mann*

ATTORNEY GENERAL OF TEXAS

