



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

PRICE DANIEL

ATTORNEY GENERAL

November 17, 1950

Hon. Robert M. Allen
County Attorney
Rusk County
Henderson, Texas

Opinion No. V-1122.

Re: Authority of the Commissioners' Court to purchase a radio to be installed in a police patrol car of a municipality.

Dear Sir:

You have requested our opinion relative to the authority of the Commissioners' Court of Rusk County to purchase a radio to be installed in a police car of the City of Overton, with the understanding that the radio shall remain the property of Rusk County.

The commissioners' court is a court of limited jurisdiction and can only exercise such powers as are authorized by the Constitution and statutes of this State, either expressed or by necessary implication. Tex. Const., Art. V, Sec. 18; Bland v. Orr, 90 Tex. 492, 39 S.W. 558 (1897); El Paso County v. Elam, 106 S.W.2d 393 (Tex.Civ. App. 1937); Landman v. State, 97 S.W.2d 264 (Tex.Civ.App. 1936, error ref.).

Subdivision (b) of Article 3899, Vernon's Civil Statutes, authorizes the commissioners' court to purchase radio equipment for the use of the sheriff. Att'y Gen. Ops. 0-1906 (1940), 0-3571 (1941), 0-5898 (1944). However, we find no constitutional or statutory provision authorizing the commissioners' court to purchase a radio to be installed in a police patrol car for the use and benefit of a city or municipality. Therefore we agree with you that the commissioners' court does not have authority to purchase a radio to be installed in a police patrol car of a municipality.

SUMMARY

The commissioners' court has no authority to purchase a radio to be installed in a police patrol car of a municipality, there being no constitutional or statutory

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provision granting such power. Tex.Const.,
Art. V, Sec. 18; Bland v. Orr, 90 Tex. 492,
39 S.W. 558 (1897); El Paso County v. Elam,
106 S.W.2d 393 (Tex.Civ.App. 1937); Landman
v. State, 97 S.W.2d 264 (Tex.Civ.App. 1936,
error ref.).

APPROVED:

J. C. Davis, Jr.
County Affairs Division


Everett Hutchinson
Executive Assistant

Charles D. Mathews
First Assistant

JR:mw

Yours very truly,

PRICE DANIEL
Attorney General

By 
John Reeves
Assistant