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No part of the $550,000 appropriated to the Prison Commission by Senate Bill No. 278, passed by the Regular Session of the Thirty-seventh Legislature, can be used in any way with respect to the Texas State Railroad, neither in the payment of obligations incurred, nor in the control, maintenance, management or operation of said railroad.

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The commissioners court is not required to advertise county special road bonds for sale.

County special road bonds and road district bonds must continue in the custody of and under the control of the commissioners court, and must be sold by said court to the highest and best bidder for cash, either in whole or in parcels, at not less than their par value.

Commissioners court acting for and on behalf of road district will be authorized to pay all expenses of suit against such district, including attorneys’ fees, out of funds derived from the sale of road district bonds.

Commissioners courts are not authorized to deposit money received from the sale of special road bonds in any bank outside of the State.

The commissioners court cannot employ an attorney at a stated salary to interpret contracts, furnish legal advice to the commissioners court, the county auditor and interpret the highway laws of the State.

In law suits where the law requires the county attorney to represent the county, the commissioners court may employ counsel to assist the county attorney, but they cannot exclude the county attorney from appearing and representing the county.

The commissioners court may employ an attorney to represent the county in cases pending in the courts when under the law it is not the duty of the county attorney to represent the county.

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The validity of a contract entered into by the county depends upon the order of the commissioners court authorizing same, and the signature of the county judge is immaterial.

The commissioners court is the “medium” through which the county acts and can sign a contract without the appointment of an agent for that purpose.

The provision in the county auditor’s law to the effect that the auditor shall see that law is enforced does not authorize the county auditor to pass upon the advisability and necessity of expending county funds in tick eradication work, since to hold that he has such authority would be to substitute the county auditor for the commissioners court in the exercise of authority committed in plain terms in the Tick Eradication Law.

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Commissioners court has no authority to purchase out of the general fund of the county a typewriter for the use of the county auditor’s office.
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(See Apportionment—Senatorial Districts)

(See Peculation)

CONTACTS—

The validity of a contract entered into by the county depends upon the order of the commissioners court authorizing same, and the signature of the county judge is immaterial

The commissioners court is the "medium" through which the county acts and can sign a contract without the appointment of an agent for that purpose

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The county judge is not entitled to the compensation provided by statute when acting as ex-officio county superintendent over and above his maximum compensation and excess fees, but must account for said ex-officio compensation when arriving at his maximum by reason of Article 3893, Revised Civil Statutes.

The commissions allowed county attorneys under Articles 7490 and 7491, Revised Civil Statutes, 1911, as amended by Chapter 164, General Laws, passed at the Regular Session of the Thirty-sixth Legislature, and the commission allowed county judges under Article 7491, supra, should be calculated on the taxes collected, exclusive of interest and penalties.

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In the case of the county judge and sheriff, the statute authorizes “actual and necessary expenses” such as traveling expenses.” Held, that the use of these words does not authorize expenditure of county funds for automobiles for such officers.

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There is no authority to purchase an adding machine out of the general fund of the county to be used in the office of the county school superintendent. Such a purchase, if it can be made at all, must be made out of the amount provided by the county board of school trustees for the expenses of the county superintendent, which expenses must come out of the State and county available school fund and cannot exceed $300

It is unlawful, as against public policy, for a county superintendent to hold a position as school teacher in a school where it is his duty to approve the contract or voucher of the teacher or teachers

Article 2752, Revised Statutes, 1911, authorizes the county superintendent of public schools to exercise supervision over independent school districts having fewer than 500 scholars

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Since the removal from office of members of the Board of Prison Commissioners of this State is otherwise provided for by law, such officers are not subject to removal from office in the manner provided for by Article 6027 of the Revised Civil Statutes of 1911.... 461

It is the duty of the Board of Prison Commissioners to render or cause to be rendered said land for taxation to the tax assessors of the respective counties in which such lands may be situated, the lands constituting each respective farm to be listed or rendered separately from all other lands........................................... 588
PRISON COMMISSIONERS—Continued.

Should the board of managers fail or refuse, for any reason, to take over this property and dispose of or operate the same, as provided by said Senate Bill No. 267, a contingency which we cannot assume has arisen or will arise, it is suggested that the matter be called to the attention of the Governor by the Board of Prison Commissioners that the Governor may take such action with respect to the property as, in his judgment, the law and the facts will warrant and require

The Legislature has expressly authorized the Prison Commission to establish factories

A contract whereby a certain amount of the finished product of a factory owned and operated by the prison system is sold at a price to be determined by the cost of raw material is not a sale of convict labor within the meaning of Article 6174, Texas Complete Statutes, 1920

(See Insurance)

(See Rewards)

PUBLIC LANDS—

State of facts relative to grant of lands to Bayland Orphans' Home, held not to constitute a sufficient basis for legal demand upon the owners of said lands for repossession by the State

School lands sold by the State without condition of settlement and residence situated in Donley County may be sold in whole or in part by the original purchaser

The vendee of the original purchaser without condition of settlement of school lands situated in Donley County cannot be substituted for the original purchaser on the records and accounts kept in the General Land Office

Article 5437, as amended by Chapter 79, Acts of the Regular Session, Thirty-sixth Legislature, and Article 5435, as amended by Section 9 of Chapter 163, Acts of the Regular Session, Thirty-sixth Legislature, can be reconciled and harmonized under the well known and well recognized rules of statutory interpretation and construction

The facts concerning the sale of certain land by the State raise a substantial doubt as to whether or not the State conveyed or reserved the minerals, if any, in the land

If the Attorney General holds that the State parted with its title to the minerals, the courts will never have an opportunity to pass on the question, whereas, if he holds that the State reserved the minerals, the individual owning the land can take the case into the courts for final determination

In all controversies involving the rights of the State, it is the duty and policy of the Attorney General to decide all substantial doubts in favor of the State

No tract of surveyed public free school or asylum lands is subject to sale until it shall have been advertised, or publicity of such sale has been given, in the manner provided by law next preceding the next succeeding sales date, and this notwithstanding the fact that such tract of land may have been previously so advertised or publicity of the sale of same may have been given as being on the market on one or more previous sales dates

The Attorney General will not institute suit in behalf of the State for the recovery of land when the facts disclose that the State has not suffered loss, except in cases where the land was acquired from the State by fraud or is held in violation of the spirit and plain policy of our laws

PUBLIC ROADS—

Mexicans residing in this State are not exempt from road duty. Chapter 3, Title 119, Revised Civil Statutes of 1911
RAILROADS—
Chapter 100 of the Acts of the Thirty-first Legislature, 1909, being known as the “Full Crew Law,” is clearly within the police power of the State and is valid

Construction of Chapter 88 and Chapter 99, General Laws of the Thirty-seventh Legislature, the former providing reduced fare on railroads for the officers named therein, the latter providing for the granting of free transportation to the officers named in such act over railroads, interurbans and street car lines.

The I. & G. N. Ry. Co. took the property of the H. G. N. R. R. Company subject to the public duty of maintaining its principal business office at Palestine, and applicants, its successor, took said property burdened with the same duty.

RAILWAY CORPORATIONS—CHARTER—FEES—STOCK—
Article 3837, Vernon's Texas Civil and Criminal Statutes, 1922 Supplement, does not require a corporation on filing an amendment to its charter which does not increase its stock to pay to the Secretary of State a fee of fifty cents for each one thousand dollars capital stock required by its charter.

Duties of Attorney General in passing upon railroad charters are not merely ministerial. Under provisions of Article 6409 he is required to pass both upon the facts and the law, and may go beyond the face of a charter and consider any facts known to him or ascertained by him, and must take cognizance of the statutes and the decisions of the highest courts of this State and of the United States.

TEXAS STATE RAILROAD—
The contract entered into by the board of managers of the Texas State Railroad and the Texas & New Orleans Railway Company with respect to the Texas State Railroad, dated August 23, 1921, as embodied in Senate Bill No. 13, passed by the Second Called Session of the Thirty-seventh Legislature, approved August 25, 1921, is legal and binding upon the parties thereto, subject to the approval of same by the Governor of Texas and the Interstate Commerce Commission as provided for its terms.

T. & N. O. Ry. Co., see—
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Where an independent school district and a contiguous common school district desire to consolidate, petitions therefor should be presented to the county judge of the county wherein such districts are situated and not to the board of trustees of such independent school district 524
Alien children have the same right to attend the public free schools of the State as do the children of citizens of this State 533
Whenever an application is made to the county superintendent within the time and in the manner prescribed by Article 2760, Revised Civil Statutes, 1911, it becomes the duty of the county superintendent to make the transfer, and he has no discretion in the matter 538
School districts have the same authority in the levy, assessment and collection of taxes as heretofore conferred upon them by law, except the new statute—House Bill No. 118—gives such districts the right to levy taxes not to exceed one dollar on the one hundred dollars valuation of taxable property for maintenance of schools and a tax not to exceed fifty cents in payment of school building bonds, but the maintenance tax together with the bond tax cannot exceed one dollar 551
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