



**THE ATTORNEY GENERAL  
OF TEXAS**

Gerald C. Mann

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ATTORNEY GENERAL

AUSTIN 11, TEXAS

March 3, 1939

Hon. W. P. Sexton  
County Attorney  
Orange County  
Orange, Texas

Hon. Joe J. Fisher  
District Attorney  
First Judicial Dist.  
Orange, Texas

Opinion No. O-24

Re: Eligibility of wife of officer or  
stockholder in depository bank to serve  
as independent school trustee.

Gentlemen:

This Department is in receipt of your letter of February 23, 1939, requesting an opinion on the question of whether the wife of the president, director and stockholder of the depository bank, may be appointed to a vacancy on the Board of Trustees of an Independent School District.

We have been advised, that in the instance to which you refer, the stock in the depository bank is the separate property of the husband. We have also been advised that the contract between the school board and the depository bank has been executed and the bank is now serving as depository under the terms of such contract. The contract having been consummated prior to the appointment of the wife to the office of school trustee, she, in her official capacity, would not be required to exercise any discretion in the acceptance or rejection of bids and in the designation of a depository bank.

Neither Article 373 of the Penal Code, nor any other article which has come to our attention, is applicable to the facts under consideration in this opinion.

It is the opinion of this Department that the wife of the president, director and stockholder of the depository bank of an Independent School District, under the stated facts, does not occupy a relationship so incompatible with the office of trustee of such Independent School District as to disqualify her for appointment to fill a vacancy on the Board of Trustees.

APPROVED  
/s/ Gerald C. Mann  
ATTORNEY GENERAL OF TEXAS  
CCC:N:wb

Yours very truly  
ATTORNEY GENERAL OF TEXAS  
By /s/ Cecil C. Cammack  
Cecil C. Cammack, Assistant  
OK GRL