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OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

January 30, 1939

Hon. Chas. R. Martin
County Auditor
Marshall, Texas

Dear Mr. Martin:

Opinion No. 0-204
Re: Premium on official surety bond
of County Treasurer for the year
of 1936.

Your request for an opinion on the following ques-
tion:

"Whether Commissioners' Court has the au-
thority under the law to pay premium on official
surety bond of County Treasurer for the year of
1936?"

has been received by this office.

On April 13, 1936, Hon. Joe J. Alsup, Assistant
Attorney General, held that the Commissioners' Court of a
county had authority to pay the premium on the official
bond of a County Treasurer.

On October 12, 1934, Hon. Julius F. Franki, Assis-
tant Attorney General, held that the County Commissioners'
Court did not have authority to pay the premium on the offi-
cial bond of the County Treasurer.

Article 3891 of the Revised Civil Statutes of
Texas authorized certain officers to deduct the cost of the
premium on their bonds from the fees of their various of-
fices but this statute had application only to the officers
enumerated in Article 3883, Revised Civil Statutes, among
which the office of County Treasurer does not appear.

In view of Article 3883, 3891 and 3899(b) and in

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the absence of statutory authority authorizing the Commissioners' Court to make such payments, you are respectfully advised that it is our opinion that the Commissioners' Court does not have the authority to pay premium on official surety bond of the County Treasurer for the year of 1936.

The opinion heretofore rendered by Hon. Joe J. Alsup, Assistant Attorney General, referred to above, is hereby expressly overruled.

The opinion of Hon. Julius F. Frankl, Assistant Attorney General, referred to above, is hereby expressly approved and confirmed.

Trusting that the foregoing answers your inquiry, we remain

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Wm. J. Fanning
Assistant

WJF:AW

APPROVED:

Gerald B. Moore, nph
ATTORNEY GENERAL OF TEXAS