



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

February 20, 1959

Hon. G. J. Wilde
County Auditor
Corpus Christi, Texas

Dear Sir:

Opinion No. 9-282
Re: County Judge stenographer salary
authorized. Conflict of statutes.

Your letter of February 2nd has been received and given our consideration. You wish our opinion whether the county judge, who has heretofore employed a stenographer on the basis of \$100.00 per month, may now employ an assistant on the basis of \$125.00. You refer to Sec. 13 ~~of Art. 3912c~~, Vernon's Revised Civil Statutes, asking whether this provision nullifies the appointment of an assistant as mentioned in Article 3902, R. C. S., as amended.

Article 3902 is the statute authorizing the appointment of deputies, assistants, clerks, etc., by county officers generally.

The pertinent part of Sec. 13 of Article 3912c, supra, reads as follows:

"The Commissioners' Court may authorize the employment of a stenographer by the county judge and pay for such services out of the general fund of the county to an amount not to exceed Twelve Hundred (\$1200.00) Dollars per year."

Your attention is respectfully directed to the language of Texas Jurisprudence, Vol. 39, p. 212, sec. 114:

"In case of conflict between a general provision and a special provision dealing with the same subject, the former is controlled or

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limited by the latter; and this is so whether the provisions in question are contained in the same act or in different enactments. In other words, when a statute makes a general provision apparently for all cases and a special provision for a particular case or class, the former yields and the latter prevails in so far as the particular case or class is concerned. In such circumstances, the special provision or statute is regarded as though it were an exception or proviso, removing something from the operation of the general law."

Many cases are cited by the text in support of the statements made.

You are, therefore, advised it is our opinion the provisions of Article 3912a would control, and the county would be precluded from paying the county judge's stenographer in excess of Twelve Hundred (\$1200.00) Dollars per year.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Benjamin Woodall*
Benjamin Woodall
Assistant

BW:AW

APPROVED:

Gerard C. Murray
ATTORNEY GENERAL OF TEXAS