

March 29, 1939

Hon. G. Kenney
County Attorney
Bee County
Feesville, Texas

Dear Sir:

Opinion No. O-473

Re: Constable may be allowed to receive ex-officio salary as interpreter for county.

This will acknowledge receipt of your letter of March 9, 1939, in which you ask an opinion of this Department whether the constable of precinct No. 1, Bee County, Texas, can be allowed an ex-officio salary of \$72.72 per month by the Commissioners' Court of Bee County to serve as interpreter for the county and justice courts of such county.

You do not state in your letter but we have determined that the population of Bee County, according to the last Federal census is 15,721. Subdivision 1, Article 3883, Revised Civil Statutes of Texas, 1925, provides that in counties of less than 25,000 inhabitants the constable may retain as his annual fees the sum of Twelve Hundred (\$1200.00) Dollars. Article 3895 prohibits the Commissioners' Court from allowing ex-officio fees which will make the officer's total compensation exceed the maximum established in Section 1, Article 3883.

In the instant case, however, the duties proposed to be rendered by the constable under the contract with the Commissioners' Court are duties clearly beyond the scope of his official duties as constable and are not connected with or incident to the duties imposed upon him by virtue of his selection to the office of constable. The limitations abovementioned cannot, therefore,

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apply in the instant case for reason that such limitation establishes a maximum salary relating only to the duties of his office and has no relation to the extra services contemplated in such contract.

A careful examination of the statutes reflects no prohibition against the constable rendering such services as contemplated in the contract made the basis of this opinion. Receiving compensation for such services so contemplated must be tested by the same rules by which any other contract of employment by the Commissioners' Court would be tested.

There is nothing in the proposed contract that would bring the employment as interpreter within the constitutional prohibition against a person holding more than one civil office of emolument since the exercise of the duties of interpreter does not constitute an "office" within the purview of the Constitution.

It is, therefore, the opinion of this Department and you are so advised that the constable of Bee County can be allowed extra compensation by the Commissioners' Court to act as interpreter for the justice and county courts.

Trusting that this satisfactorily answers your inquiry, we remain

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Lloyd Armstrong
Assistant

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APPROVED:



FIRST ASSISTANT ATTORNEY GENERAL