



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

March 21, 1939

Mr. Lotus Hamrick  
County Auditor  
Hopkins County  
Sulphur Springs, Texas

Dear Sir:

Opinion No. 0-483

Re: To what fee is Justice of Peace  
entitled when defendant is con-  
victed and fines are worked out  
on County Farm?

Your request for an opinion on the above stated  
question has been received by this office.

Your letter reads in part as follows:

"Also would appreciate knowing what  
fee the Justice of the Peace gets in Crimi-  
nal cases where they are convicted and the  
fines are worked out on the County Farm.  
It is our understanding that the Constable,  
Sheriff etc. get half of their fee from the  
county and the Justice of the Peace gets his  
regular \$2.50. Is this correct or does the  
Justice of the Peace only get half of his  
Fee which would be \$1.25."

We are informed by the Comptroller's office  
that the population of Hopkins County, according to the  
last Federal census, is 29,410 inhabitants.

Article 1052, Code of Criminal Procedure pro-  
vides as follows:

"Three Dollars shall be paid by the  
county to the County Judge, or Judge of the Court  
at Law, and Two Dollars and fifty cents shall  
be paid by the county to the Justice of the

Peace, for each criminal action tried and finally disposed of before him. Provided, however, that in all counties having a population of 20,000 or less, the Justice of the Peace shall receive a trial fee of Three Dollars. Such Judge or Justice shall present to the Commissioners' Court of his county at a regular term thereof, a written account specifying each criminal action in which he claims such fee, certified by such Judge or Justice to be correct, and filed with the County Clerk. The Commissioners' Court shall approve such account for such amount as they find to be correct, and order a draft to be issued upon the County Treasurer in favor of such Judge or Justice for the amount so approved. Provided the Commissioners' Court shall not pay any account so approved. Provided the Commissioners' Court shall not pay any account or trial fees in any case tried and in which an acquittal is had unless the State of Texas was represented in the trial of said cause by the County Attorney, or his assistant, Criminal District Attorney or his assistant, and the certificate of said Attorney is attached to said account certifying to the fact that said cause was tried, and the State of Texas was represented, and that in his judgment there was sufficient evidence in said cause to demand a trial of same."

Article 1052, supra, by its terms specifically provides that the Justice of the Peace shall be paid by the county the sum of \$2.50 for each criminal action tried and finally disposed of before him. The manner in which fines are paid or worked out on the county farm or other public works is immaterial. Under the statute above quoted, the Justice of the Peace is entitled to \$2.50 for criminal actions finally disposed of before him in counties having a population of more than 20,000 inhabitants and the Justice of the Peace in counties having a population of 20,000 or less inhabitants shall receive a trial fee of \$3.00 for each case finally disposed of.

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In view of the foregoing statute, you are respectfully advised that it is the opinion of this Department that the Justices of the Peace in all counties having a population of more than 20,000 inhabitants is entitled to a fee of \$2.50, to be paid by the county for each criminal action finally disposed of before him and in counties having a population of 20,000 or less inhabitants, the Justices of the Peace are entitled to a fee of \$3.00 for each criminal action disposed of.

Trusting that the foregoing answers your inquiry, we remain

Very truly yours

ATTORNEY GENERAL OF TEXAS

By (signed)  
Ardell Williams  
Assistant

AW:AW

APPROVED:  
(signed)  
Gerald C. Mann  
ATTORNEY GENERAL OF TEXAS