



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable C. J. Wilde  
County Auditor  
Nueces County  
Corpus Christi, Texas

Dear Sir:

Opinion No. 0-3956  
Re: Commissioners' Court may  
hire a librarian for a county  
law library.

Your request for the opinion of this department as to whether or not the Commissioners' Court has the authority to hire a librarian to take charge of a county law library to be established under the terms and provisions of House Bill 1080, Acts of the 47th Legislature, is acknowledged.

House Bill 1080, supra, provides in part:

"Section 1. The Commissioners Courts of all counties within this State, having a population of not less than eighty thousand (80,000) inhabitants nor more than two hundred and twenty-five thousand (225,000) inhabitants, according to the last preceding Federal Census, and in which there is located no Court of Civil Appeals, shall have the power and authority, by first entering an order for that purpose, to provide for, maintain and establish a county law library.

"Sec. 2. For the purpose of establishing 'County Law Libraries' after the entry of such order, there shall be taxed, collected, and paid as other costs the sum of One Dollar (\$1) in each case, civil or criminal, except suits for delinquent taxes, hereafter filed in every County or District Court; provided however, that in no event shall the county be liable for said costs in any case. Such costs shall be collected by the Clerks of the respective Courtst

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in said counties and paid by said Clerk to the County Treasurer to be kept by said Treasurer in a separate fund to be known as the 'County Law Library Fund'. Such fund shall be administered by said Courts for the purchase and maintenance of a law library in a convenient and accessible place, and said fund shall not be used for any other purpose.

"Sec. 3. Said Courts are granted all necessary power and authority to make this Act effective, to make reasonable rules in regard to said library and the use of the books thereof, and to carry out the terms and provisions of this Act.

". . ."

It clearly appears from Section 3 of the Act, taken in conjunction with the last sentence appearing in Section 2 thereof, that the Commissioners' Court is given broad power to establish and maintain such libraries. If the Commissioners' Court, therefore, determines that a law library cannot be successfully maintained without hiring a librarian charged with the responsibility of keeping and protecting the books, we think it clearly within its power to hire a librarian and to provide for his compensation to be paid out of the "County Law Library Fund" created by Section 2 of the above Act.

Yours very truly

ATTORNEY GENERAL OF TEXAS

3, 1941  
*Howe Miller*  
 FIRST ASSISTANT  
 ATTORNEY GENERAL

By *Lloyd Armstrong*  
 Lloyd Armstrong  
 Assistant

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