



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable J. S. Holleman
County Attorney
Polk County
Livingston, Texas

Dear Sir:

Attention: Mr. R. H. Jones

Opinion No. G-4564

Re: Minor may serve as deputy dis-
trict or county clerk.

Your request for opinion has been received and care-
fully considered by this department. We quote from your re-
quest as follows:

"A letter has been addressed to me as fol-
lows:

"Mr. R. H. Jones
Assistant County Attorney
Livingston, Texas

Dear Mr. Jones:

"I would like to have a ruling from you
on the qualifications and the extent of duties
of an assistant District or County Clerk.

"The reason for this information is that
it has been called to my attention that either
the Assistant District or County Clerk has got
to be 21 years old or if he or she is under 21
years of age they must have their disabilities
removed in order to act in the capacity and per-
form the duties of District or County Clerk and
if they fail to meet these qualifications any
such official act performed is null and void.

"Thanking you in advance for this informa-
tion, I am

Yours truly,
E. L. Hinson, Jr.,
County Auditor."

Honorable J. S. Holleman, Att'n: R. H. Jones, Page 2

"I have been unable to find a satisfactory answer to the above. Will you please give me an opinion on the question of a minor serving as an Assistant to District Clerk and County Clerk."

Articles 1698, 1638 and 3902, Vernon's Annotated Texas Civil Statutes, govern the appointment of deputy district and county clerks. These articles prescribe no particular qualifications whatever for such deputies. They are authorized to do and perform all such official acts as may be lawfully done and performed by their principals in person. They take an official oath but no bond is required of them.

We quote from 34 Texas Jurisprudence, p. 242, as follows:

". . . In so far as the decisions have dealt with the matter it is held . . . that both minors and women can be deputy clerks, and a woman's eligibility is not affected by the fact that she is married." (Underlining ours)

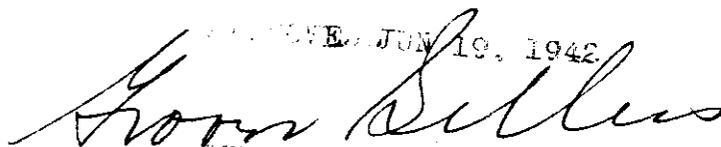
The case of Harkreader v. State, 23 S. W. 117 (Texas Court of Criminal Appeals), holds that a minor may legally serve as deputy county clerk.

The case of Delaney v. State, 90 S. W. 642 (Texas Court of Criminal Appeals), holds that a deputy district clerk need not be a qualified voter and may be a woman. This case cites the Harkreader case, supra.

You are respectfully advised that it is the opinion of this department that a minor may legally serve as deputy district or county clerk.

Very truly yours

ATTORNEY GENERAL OF TEXAS

RECEIVED JUN 19, 1942

 FIRST ASSISTANT
 ATTORNEY GENERAL

BY 
 Wm. J. Fanning
 Assistant

WJF:CO

