



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable George P. Hudson
County Attorney
Jones County
Anson, Texas

Attention: Mr. J. F. Lindsey, Assistant County Attorney

Dear Sir:

Opinion No. 0-5685

Re: Is the Commissioners' Court
required to furnish station-
ery and blanks, necessary in
the performance of his duties,
to the County Surveyor of
Jones County, Texas?

We are in receipt of your communication requesting
the opinion of this department, pertaining to the above mat-
ter, from which we quote as follows:

"Mr. J. M. Arnett is the duly elected and
qualified County Surveyor of Jones County,
Texas.

"The enclosed excerpt from the budget
adopted by the Commissioners court of this
county speaks its decision as to the furnish-
ing of supplies necessary in such office to
the incumbent- Marked X

"Article 5283 under Title 86, Chapter 2,
Vernon Annotated Statutes Recites among other
things that the Commissioners Court shall fur-
nish office space for such officer at the ex-
pense of the County.

"Article 5287 same Title and Chapter recites
that the Commissioners Court shall furnish him
all necessary books of record.

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"Article 3899b-Section 2 recites; Suitable offices, stationery and blanks necessary in the performance of their duties may IN THE DISCRETION of the Commissioners Court also be furnished to certain officers and the County Surveyor is included.

"Of course I do not know why the Commissioners Court should exercise its DISCRETION in this matter in refusing to furnish stationery etc to the County Surveyor, but it is apparent that it has. It is true that he is not a fee officer nor officer who is paid any money out of the Officers Salary Fund, but it appears to me that he is a County Officer in the same sense that all other officers are and should be furnished with all necessary equipment for his office named in Article 3899b, sec. 2.

"Kindly advise me if the County Surveyor can demand that he be furnished as other officers are furnished with such articles as are enumerated in Article 3899b, Sec. 2?"

Article 3899b, Section 1, V.A.C.S., provides as follows:

"There shall be allowed to County Judges, Clerks of the District and County Courts, Sheriffs, County Treasurers, Tax Assessors and Collectors, such books, stationery, including blank bail bonds and blank complaints, and office furniture as may be necessary for their offices, to be paid for on the order of the Commissioners Court out of the County Treasury; and suitable offices shall also be provided by the Commissioners Court for said officers at the expense of the county. And such books and stationery as are necessary in the performance of their duties shall also be furnished Justices of the Peace by said Commissioners Court. Provided all purchases herein must be approved by Commissioners Court, and must be made under the provisions of Article 1659, Revised Civil Statutes of Texas, 1925."

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It is apparent from the reading of the foregoing provision and also from a review of the history of the legislation, that the County Surveyor, is not such an officer as came within the contemplation of the legislature in enacting the above provision.

Article 3899b, Section 2, V.A.C.S., provides that a suitable office, stationery, and blanks necessary in the performance of his duties may in the discretion of the Commissioners' Court also be furnished to the County Surveyor. Article 5283, V.A.C.S., provides as follows:

"A county surveyor shall be elected in each county at each general election for a term of two years. He shall reside in the county and keep his office at the courthouse or some suitable building at the county seat, the rent therefor to be paid by the commissioners' court on satisfactory showing that the rent is reasonable, the office necessary and that there is no available office at the courthouse."

Article 5287, V.A.C.S. provides that the Commissioners' Court shall furnish the Surveyor all necessary books of record.

It is our opinion that the stationery and blanks mentioned in Article 3899b, Section 2, supra, are not the same as the books of record mentioned in Article 5287, supra.

You have stated in your letter to us that the Commissioners' Court of Jones County has exercised its discretion, and has entered its order to the effect that no supplies and blanks be furnished to the Surveyor.

You want to know if the County Surveyor of Jones County can demand of the Commissioners' Court that he be furnished, as other officers are furnished, with the stationery and blanks as enumerated in Article 3899b, Section 2, supra.

Since it would seem from a reading of your letter, that there has been no abuse of discretion on the part of the commissioners in not furnishing the stationery and

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blanks to the Surveyor, it is our opinion that your inquiry should be answered in the negative.

It would seem that it is mandatory upon the Commissioners' Court to furnish the Surveyor all necessary books of record, but it is not obligatory upon them to furnish such officer with stationery and blanks.

Trusting this answers your question satisfactorily, we beg to remain

Yours truly

APPROVED SEP 28, 1943 ATTORNEY GENERAL OF TEXAS

W. Ross Miller

FIRST ASSISTANT
ATTORNEY GENERAL

By

Eugene N. Catlett
Eugene N. Catlett,
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