



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN 11

GROVER SELLERS
ATTORNEY GENERAL

Honorable I. Predecki
County Auditor
Galveston County
Galveston, Texas

Dear Sir:

Opinion No. 0-6185

Re: Payment of jury fee to county employees in addition to their regular monthly salary.

This will acknowledge receipt of your letter requesting an opinion from this department on the above-captioned subject. If we correctly interpret your letter, you desire to know whether or not you may legally deduct from the regular compensation of county employees the amount paid to such employees by the County Treasurer for jury service.

You are advised that we find no procedure which would authorize you to make such a deduction. Jury service is not an office or position of honor, trust or profit within the meaning of Section 40 of Article XVI of our Constitution, prohibiting the holding of two offices or positions simultaneously. It is rather a "right" or "duty" incident to one's citizenship. 31 Am. Jur., Sections 50, 51; p. 593.

Article 3912e, Subsection (h), providing that the amounts allowed to be paid to deputies, assistants and employees shall be paid after rendition of services, is made applicable only to those counties having a population in excess of 190,000 inhabitants and would, therefore, not apply to Galveston County.

Jury fees, not being listed by statute, are not "fees of office" and need not be paid into the Officers Salary Fund when collected by a county officer.

In cases where county employees receive jury fees in addition to their regular salaries, they are not receiving extra salaries or wages from the county, since jury fees are not considered salaries or wages. They are more in the nature of an allowance or gratuity. Jury service being a "duty", the juror

Honorable I. Predecki, page 2

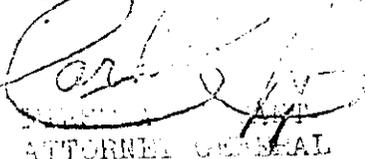
is entitled to no compensation. 31 Am. Jur., Section 57, p. 597.
Most states, however, have statutes providing a fee for such
service.

Trusting this fully answers your inquiry, we are

Very truly yours,

ATTORNEY GENERAL OF TEXAS

APPROVED, APR 20, 1945


ATTORNEY GENERAL

By

H. T. Bob Donahue
H. T. Bob Donahue

HTBD/JCP

