



THE ATTORNEY GENERAL OF TEXAS

GROVER SELLERS
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WILL WILSON
ATTORNEY GENERAL

AUSTIN 11, TEXAS

Honorable O. Kennedy
County Attorney
Bee County
Beeville, Texas

Dear Sir:

Opinion No. 0-6658

Re: Maximum annual compensation of the
Justice of the Peace for Precinct
No. 1, Bee County.

Your letter of June 14, 1945, requesting the opinion of this department regarding the maximum annual compensation of the Justice of the Peace for Precinct No. 1 of Bee County, is as follows:

"Our commissioners' court has instructed me to submit the following question to you, viz:

"Since S.B. 123 became law, how much fees may the Justice of the Peace for Precinct One of Bee County retain annually?

"All officers in this county are on a fee basis. The population of this county is approximately 17,000. Heretofore, under Article 3883 (Acts 1939, 46th Leg.) the Justice of the Peace was allowed to retain \$1200.00. In addition, under Art. 3891 the Justice of the Peace was allowed to retain one third of the excess fees until such one third, together with the amount specified in Art. 3883, amounts to \$1400.00.

"The Justice of the Peace of Precinct One will earn in fees for this year in excess of \$2,000.00. Suppose we say that he will earn exactly \$2,000.00 for the year. How much of that will he be permitted under the law to keep. Section (a) of Senate Bill 123, passed by this past Legislature is as follows:

"The Commissioners' Court is hereby authorized when in their judgment the financial condition of the county and the needs of the officers justify the increase to enter an order increasing

the compensation of the precinct, county and district officers in an additional amount not to exceed twenty-five (25%) per cent. of the sum allowed under the law for the fiscal year of 1944, provided the total compensation authorized under the law for the fiscal year of 1944 did not exceed the sum of Thirty-six Hundred (\$3,600.00) Dollars.'

"The Commissioners' Court wish to allow such Justice of the Peace increased compensation to the full amount of 25% of the sum allowed him under the law for the year 1944. Under the law, this Justice of the Peace was allowed to retain in fees for 1944 the total sum of \$1400.00. Twenty five per cent. of \$1400.00 is \$350.00. The Commissioners' Court have in mind entering an order permitting him to retain, from and after the effective date of S.B. 123, fees of office at the rate of \$1750.00 per year. The Commissioners' Court arrive at this amount in this way: Such Justice of the Peace was allowed \$1400.00, under the law of 1944. Increasing this amount 25% would equal \$1750.00 per year. Is this correct?"

The maximum annual compensation of the Justice of the Peace for Precinct No. 1 under Articles 3833 and 3891, Vernon's Annotated Civil Statutes, is \$1400.00. Senate Bill 123, Acts of the 49th Legislature, Regular Session, 1945, authorizes the Commissioners' Court when in its judgment the financial condition of the county and the needs of the officers justify the increase to enter an order increasing the compensation of precinct officers in an additional amount not to exceed 25% of the sum allowed under the law for the fiscal year of 1944, provided the total compensation authorized under the law for the fiscal year of 1944 did not exceed the sum of \$3600.00.

You are respectfully advised that it is the opinion of this department that the Commissioners' Court in compliance with Senate Bill 123 can legally enter an order authorizing the Justice of the Peace of Precinct No. 1 to retain fees of office in the amount of \$1750.00 per year, provided, of course, that the provisions of Article 3891, V.A.C.S. and Senate Bill 123 are complied with.

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Yours very truly,
ATTORNEY GENERAL OF TEXAS

By s/Ardell Williams
Ardell Williams
Assistant

AW:LJ:wc

APPROVED JUN 21, 1945
s/Carlos C. Ashley
FIRST ASSISTANT
ATTORNEY GENERAL

Approved Opinion Committee By s/BWB Chairman