



**THE ATTORNEY GENERAL  
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD**  
ATTORNEY GENERAL

March 22, 1947

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

Opinion No. V-99

Re: Traveling expenses  
of Justice of the  
Peace.

Dear Sir:

Your request for an opinion from this Department on the above subject matter is as follows:

"The Justice of Peace of Precinct 1, Place 1, and Precinct 1, Place 2 of Nueces County have requested that we make them an allowance of \$7.50 to cover expenses of their automobiles in attending any inquests within the county. In view of the fact that in this County the Precinct Officers are on a salary basis we cannot find any Statute that would allow us to pay a flat fee for anything of this nature. It is quite possible that we might be able to make an allowance for any expense in connection with the holding of an inquest by permitting a charge to be made on a mileage basis for the use of their automobiles. Other than this I do not believe it possible to make any payment for any expenses in connection with said inquests.

"We shall be glad to have your opinion on this matter."

An officer is not entitled to mileage or expenses for the operation of his automobile unless there is some provision in the statutes providing for the payment of such expenses. *Hammond v. Harris County*, 243 S.W. 1002, error refused; *Harris County v. Hammond*, 203 S.W. 445; 34 Tex. Jur. 545.

Article 3935a-1 authorizes the Commissioners' Court in counties containing a population of 355,000 or

more inhabitants according to the last preceding Federal Census, to make a reasonable allowance not to exceed Fifty (\$50.00) Dollars per month to the Justice of the Peace for the operation of his automobile in the discharge of his official duties. We fail to find any comparable statute applicable to Nueces County providing for the payment of mileage to a Justice of the Peace for the expenses of operating his automobile.

In view of the foregoing, it is our opinion that the Justices of the Peace of Precinct 1, Place 1, and Precinct 1, Place 2, would not be entitled to an allowance of \$7.50 to cover expenses of their automobiles in attending inquests within the county.

SUMMARY

The Justices of the Peace of Precinct 1, Place 1, and Precinct 1, Place 2, of Nueces County are not entitled to mileage for the operation of their automobiles in attending inquests within the county.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By   
John Reeves  
Assistant

JR:djm:wb

APPROVED MARCH 22, 1947

  
ATTORNEY GENERAL OF TEXAS