



PRICE DANIEL
ATTORNEY GENERAL

To
OFFICE OF ~~Central File Room~~
THE ATTORNEY GENERAL
Attorney General's Dept.
AUSTIN, TEXAS

March 15, 1948

FAGAN DICKSON
FIRST ASSISTANT

Hon. R. E. Beasley
County Auditor
Collin County
McKinney, Texas

Opinion No. V-521

Re: Maximum compensation
of Justices of the
Peace in Collin County.

Dear Sir:

You have requested this office to render an opinion on the above subject matter in answer to the following questions:

"1. What is the maximum fees that a Justice of the Peace in Collin County may retain?

"2. What application, if any, is to be made of Article 3891, as to a Justice of the Peace in Collin County since the 1945 revision of Article 3883, Section 3?"

Collin County has a population of 47,190 inhabitants according to the last preceding Federal Census, and its precinct officers are compensated on a fee basis.

Article 3883, V. C. S., as amended by Senate Bill 209, Acts of the 43rd Legislature, 1933, page 734, provided, in part, as follows:

"3. In counties containing as many as thirty-seven thousand five hundred and one (37,501) and not more than sixty thousand (60,000) inhabitants, or containing a city of over twenty-five thousand (25,000) inhabitants: County Judge, District or Criminal District Attorney, Sheriff, County Clerk, County Attorney, District Clerk, Tax Collector, Tax Assessor, or the Assessor and Collector of Taxes, Thirty-five Hundred (\$3500.00) Dollars each; Justice of the Peace and Constable, Eighteen

Hundred (\$18000.00) Dollars each." (Emphasis ours)

Article 3891, V. C. S., as amended by House Bill 595, Acts of the 44th Legislature, 1935, provided, in part, as follows:

"Each officer named in this Chapter shall first out of the current fees of his office pay or be paid the amount allowed him under the provisions of Article 3883, together with the salaries of his assistants and deputies, and authorized expenses under Article 3899, and the amount necessary to cover costs of premium on whatever surety bond may be required by law. If the current fees of such office collected in any year be more than the amount needed to pay the amounts above specified, same shall be deemed excess fees, and shall be disposed of in the manner hereinafter provided.

"In counties containing as many as thirty-seven thousand, five hundred and one (37,501) and not more than sixty thousand (60,000), or containing a city of over twenty-five thousand (25,000) inhabitants, district and county officers named herein shall retain one-third of such excess fees until such one-third, together with the amount specified in Article 3883, amounts to Forty-two Hundred and Fifty Dollars (\$4250). Precinct officers shall retain one-third until such one-third, together with the amount specified in Article 3883, amounts to Twenty-two Hundred Dollars (\$2200)." (Emphasis ours)

Article 3883, V. C. S., was amended in 1945 by House Bill 549, Acts of the 49th Legislature, page 541, so as to allow Justices of the Peace and constables \$2400.00 each. Article 3891 was also amended in 1945 by Senate Bill 123, Acts of the 49th Legislature, page 244, by adding to Article 3891 the following provision:

"The Commissioners Court is hereby authorized, when in their judgment the financial condition of the county and the

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S., is \$2750.00. Article 3891, however, does not affect the base fees of Justices of the Peace until the Commissioners' Court of Collin County has allowed the increase provided for in Senate Bill 123, Acts of the 49th Legislature, page 244.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By *John Reeves*
John Reeves
Assistant

JR:mw

APPROVED:

Fagan Dickson
FIRST ASSISTANT
ATTORNEY GENERAL