



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

PRICE DANIEL
ATTORNEY GENERAL

July 23, 1951

Hon. Conard Florence
County Attorney
Smith County
Tyler, Texas

Opinion No. V-1212

Re: Present maximum salaries of justices of the peace in Smith County.

Dear Sir:

You have requested an opinion concerning the maximum salary that may be paid the justices of the peace in Smith County.

The salaries of the justices of the peace of Smith County are governed by the provisions of Section 17(b) of Article 3912e, V.C.S., and Section 1 of Article 3912g, V.C.S. These articles provide in part:

Art. 3912e, Sec. 17(b): "In counties where it shall have been determined that precinct officers shall be compensated on an annual salary basis it shall be the duty of the Commissioners' Court of such county to fix the salary allowed to such officers. Each of said officers shall be paid in money an annual salary in twelve (12) equal installments of not less than the total sum earned as compensation earned by him in his official capacity for the fiscal year 1935 and not more than the maximum amount allowed such officer under laws existing August 24, 1935."

Art. 3912g, Sec. 1: "The Commissioners Court in each county of this State is hereby authorized, when in their judgment the financial condition of the county and the needs of the officer justify the increase, to enter an order increasing the compensation of the precinct, county and district officers, or either of them, in an additional amount not to exceed twenty-five (25%) per cent of the sum allowed under the law for the fiscal year of 1948,

Hon. Conard Florence, page 2 (V-1212)

whether paid on fee or salary basis; provided, however, the members of the Commissioners Court may not raise the salaries of any of such Commissioners Court under the terms of this Act without raising the salary of the remaining county officials in like proportion."

In 1935 Smith County had a population according to the 1930 Federal census of 53,123 inhabitants. Therefore, the maximum compensation allowed under the law as it existed on August 24, 1935, to the justices of the peace of Smith County was \$2200.00. Arts. 3883, 3891, V.C.S. (S.B. 209, Acts 43rd Leg., R.S. 1933, ch. 220, p. 734); Att'y Gen. Op. V-750 (1948).

Senate Bill 123, Acts 49th Leg., R. S. 1945, ch.179, p. 244, authorizing increases in compensation to certain officers, is not applicable to precinct officers governed by Section 17 of Article 3912e, but it is only applicable to officers governed by the articles amended by Senate Bill 123, namely, Art. 3912e, Secs. 13, 15, and Arts. 3891 and 3902, V.C.S. Att'y Gen. Op. 0-6588 (1945).

Since Smith County has a population of less than 75,000 (74,701 - 1950 Federal census) inhabitants, increases authorized by House Bill 81, Acts 51st Leg., R.S. 1949, ch. 257, p. 474, are not applicable to Smith County.

Therefore, until the enactment of Senate Bill 92, Acts 51st Leg., R.S. 1949, ch. 320, p. 601 (Art. 3912g, V.C.S.), there was no provision increasing the compensation of the justices of the peace of Smith County over the amount allowed under the law as it existed on August 24, 1935. Article 3912g authorizes an increase of twenty-five per cent of the sum allowed under the law in 1948 (\$2200.00).

You are therefore advised that the maximum salary that may be paid a justice of the peace in Smith County under existing law is \$2750.00 (\$2200.00 plus \$550.00).

We are enclosing copies of Attorney General's Opinions 0-6588 (1945) and V-750 (1948).

SUMMARY

Compensation of justices of the peace of Smith County is governed by Section 17(b) of Article 3912e and Article 3912g, V.C.S. The maximum salary that may be paid such officers under existing law is \$2750.00 per annum.

APPROVED:

J. C. Davis, Jr.
County Affairs Division

Everett Hutchinson
Executive Assistant

Charles D. Mathews
First Assistant

JR:mw

Yours very truly,

PRICE DANIEL
Attorney General

By 
John Reeves
Assistant