



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

March 25, 1960

Honorable Franklin L. Smith
County Attorney
Nueces County
Corpus Christi, Texas

*Reaffirmed by
M-168*

Opinion No. WW-820

Re: Can the District Clerk of Nueces County charge a fee to another county for the furnishing of certified copies of papers in criminal cases which have been tried in Nueces County, such instruments to be used in a trial in the requesting county?

Dear Mr. Smith:

You have requested our opinion on the following question:

"Can the District Clerk of Nueces County charge a fee to another county for the furnishing of certified copies of papers in criminal cases which have been tried in Nueces County, such instruments to be used in a trial in the requesting county?"

Section 1, Article 3912e, Vernon's Civil Statutes, provides in part:

"Section 1. No district officer shall be paid by the State of Texas any fees or commissions for any service performed by him; nor shall the State or any county pay to any county officer in any county containing a population of twenty thousand (20,000) inhabitants or more according to the last preceding Federal Census any fee or commission for any service by him performed as such officer; . . ." (Emphasis added.)

Honorable Franklin L. Smith, page 2 (WW-820)

The above question is answered by the explicit terms of this article inasmuch as a district clerk is a county officer and the population of Nueces County exceeded twenty thousand (20,000) inhabitants according to the last preceding Federal Census.

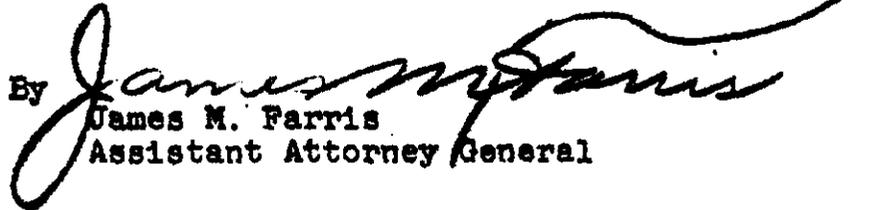
Therefore, no fee shall be charged by the District Clerk of a county in which the population exceeded 20,000 inhabitants according to the last preceding Federal Census to another county for the furnishing of certified copies of instruments which are in the Clerk's possession.

SUMMARY

The District Clerk of Nueces County cannot charge a fee to another county for the furnishing of certified copies of papers to be used in the requesting county in criminal cases.

Very truly yours,

WILL WILSON
Attorney General of Texas

By 
James M. Farris
Assistant Attorney General

JMF:ms

APPROVED:

OPINION COMMITTEE
W. V. Geppert, Chairman

Edward A. Cazares
Cecil C. Cammack, Jr.
Leon F. Pesek
Bob Eric Shannon

REVIEWED FOR THE ATTORNEY GENERAL
By: Leonard Passmore