



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**JOHN L. HILL  
ATTORNEY GENERAL**

June 20, 1974

The Honorable Homer R. Taylor  
County Attorney  
Wharton County Courthouse  
Wharton, Texas 77488

Opinion No. H- 331

Re: The monetary jurisdictional  
limits of the Court of  
Domestic Relations of  
Wharton County. Article  
2338-23, V. T. C.S.

Dear Mr. Taylor:

You have requested our opinion on the following question:

In cases, civil in nature, what are the jurisdic-  
tional monetary limits of the Court of  
Domestic Relations of Wharton County, Texas?

Your question apparently is limited to original jurisdiction and we so limit this opinion.

The Court of Domestic Relations of Wharton County was created in 1973 by Acts 1973, 63rd Leg., ch.201, p.451 (Art. 2338-23, V. T. C.S.). Such courts are established by the Legislature under authority of Article 5, Sec. 1 of the Constitution. Jordan v. Crudgington, 231 S.W.2d 641 (Tex. 1950).

The jurisdiction of the court is set out in Secs. 3 and 7, Article 2338-23, V. T. C.S. Section 3 gives the court special jurisdiction concurrent with the district and county courts in Wharton County in domestic relations matters. See Attorney General Opinion H-300 (1974).

Section 7 gives the new court additional general jurisdiction corresponding to that of the county court in civil and criminal matters:

As additional concurrent jurisdiction, the Court of Domestic Relations of Wharton County has original and concurrent jurisdiction with the County Court of

Wharton County in all matters and causes, civil and criminal, original and appellate, over which, by the general laws and the constitution of this state, county courts have jurisdiction, except the executive functions of the county judge as a member of the commissioners court, board of equalization, budget officer, and other executive and administrative functions.

It would initially appear that this section gives the Court of Domestic Relations of Wharton County the same civil jurisdiction as that of the constitutional county court, which is exclusive jurisdiction in cases where the matter in controversy is \$200 to \$500, and concurrent jurisdiction with the district court in cases involving \$500 to \$1,000. Texas Constitution, Article 5, Sec. 16.

However, in 1971 the Legislature enacted Article 1970a, V. T. C. S., which provides:

All county courts at law, county civil courts, and other statutory courts exercising civil jurisdiction corresponding to the constitutional jurisdiction of the county court in civil cases shall have jurisdiction concurrent with that of the district court when the matter in controversy shall exceed in value Five Hundred Dollars (\$500) and shall not exceed Five Thousand Dollars (\$5,000) exclusive of interest. (Emphasis added)

The Court of Domestic Relations of Wharton County is a statutory court; it has civil jurisdiction corresponding to the constitutional jurisdiction of the county court in civil cases, and therefore falls precisely within the purview of Article 1970a which extends the monetary jurisdiction of such courts to \$5,000. See Amigo Helicopters, Inc. v. Jones, 488 S. W. 2d 473 (Tex. Civ. App., Houston [14th Dist.] 1972, no writ); Attorney General Opinion No. M-1097 (1972).

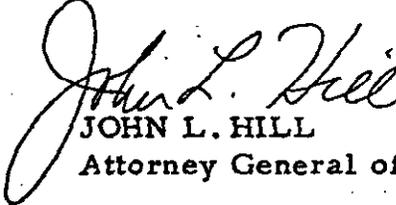
It is a well settled rule of statutory interpretation that statutes dealing with the same general subject, even though they contain no references to one another and were passed in different legislative sessions, are considered in pari materia, i. e., are governed by a

single spirit and policy and are to be construed harmoniously together. State v. Dyer, 200 S.W.2d 813 (Tex. 1947). Reading Article 1970a and Sec. 7 of Article 2338-23 together and in harmony, it is our opinion that the Court of Domestic Relations of Wharton County has a monetary jurisdiction of from \$200 to \$5,000 in civil cases.

S U M M A R Y

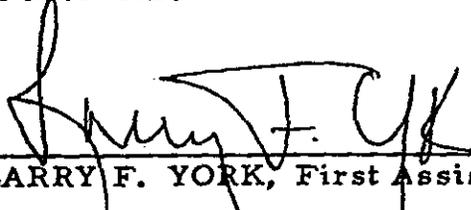
The Court of Domestic Relations of Wharton County has jurisdiction in civil cases where the matter in controversy is at least \$200 but not more than \$5,000.

Very truly yours,

  
JOHN L. HILL

Attorney General of Texas

APPROVED:

  
LARRY F. YORK, First Assistant

  
DAVID M. KENDALL, Chairman  
Opinion Committee