



**THE ATTORNEY GENERAL  
OF TEXAS  
AUSTIN, TEXAS**

**Sherid G. Mann  
ATTORNEY GENERAL**

**January 23rd, 1939**

**Hon. Clint A. Barnham  
County Attorney  
Stephenville, Texas**

**Opinion No. 9-98  
Re: County Treasurer's salary  
as provided by Article 3943.**

**Dear Mr. Barnham:**

Your request for an opinion on the following question has been received by this office:

**"Whether the Commissioners' Court over the County Treasurer back salary for the difference between a salary fixed by the Commissioners' Court and the maximum provided by Article 3943?"**

Article 3943, Revised Civil Statutes of Texas provides generally that the commissions allowed to any county treasurer shall not exceed \$2,000.00 annually.

The Supreme Court of Texas held in the case, Throckmorton County et al vs. Thompson, County Treasurer, et al, 115 S.W. (2d) 1102, "The Commissioners' Court had authority under statute to adopt order fixing amount of compensation to be paid to the county treasurer for years mentioned in orders and to provide that compensation should vary from year to year and that sum designated should be paid until otherwise ordered by Court", citing Articles 2351, 3941 and 3943, Revised Civil Statutes.

The case of Kaufman County vs. Gaston, 273 S.W. 894, holds that the -

**"Commissioners' Court may fix county treasurer's compensation at any rate not exceeding statutory rate, and reduce maximum sum to be paid to less than statutory sum."**

In view of the foregoing authorities it is the opinion of the writer, and you are respectfully advised that Article 3943(e) does not require the Commissioners' Court to set the salary of the county treasurer at the maximum, but may fix the

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compensation of the county treasurer at any rate not exceeding the statutory rate and may reduce maximum sum to be paid to less than statutory sum, and that the county does not owe the treasurer the difference between the salary fixed by the Commissioners' Court and maximum provided by Article 3943.

Trusting that the foregoing answers your inquiry,  
I remain

Yours very truly

ATTORNEY GENERAL OF TEXAS

By (Signed) ARDELL WILLIAMS  
Assistant

AW:GMB

APPROVAL

s/ GERALD C. MANN  
ATTORNEY GENERAL OF TEXAS