



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

March 20, 1939

Mr. Chas. R. Martin
County Auditor
Harrison County
Marshall, Texas

Dear Sir:

Opinion No. Q-451

Re: Can County on a fee basis legally pay Constable's fee when constable arrests juvenile on misdemeanor theft charge and verdict of guilty results in punishment of 3 years in reformatory?

Your request for an opinion on the above stated question has been received by this office.

Your letter reads in part as follows:

"In this county the Constables are placed on a fee basis, also the Justices of the Peace. The other fee officers have been placed on a salary basis.

"Please advise me whether or not the County could legally pay a Constable fees earned in a Juvenile case? In other words where a Constable would go some distance to arrest a juvenile on a misdemeanor theft charge, and bring him back for trial? The warrant being issued from the County Court, and verdict of guilty rendered with punishment assessed at three years in Reformatory."

No fees are allowed officers for their services under the statutes of this State in juvenile cases tried and disposed of in county courts except the fees and expenses allowed the sheriff for conveying a juvenile to the

Mr. Chas. R. Martin, March 20, 1939, Page 2

institution to which he has been committed.

This Department has previously held in a number of opinions with which we entirely concur, that the statutes do not provide or allow any fees or compensation to officers for their services in juvenile cases tried and disposed of in the county court.

You are respectfully advised that it is the opinion of this Department that the county cannot legally pay a constable a fee or a fee to any other officer for services rendered in juvenile cases.

Trusting that the above answers your inquiry,
we are

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Ardell Williams*

Ardell Williams
Assistant

AW:AW

APPROVED:

Gerard M. Mann
ATTORNEY GENERAL OF TEXAS