



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

D. C. MANN
ATTORNEY GENERAL

April 25, 1939

Hon. L. P. Heard
County Auditor
Bell County
Belton, Texas

Dear Sir:

Opinion No. 0-500
Re: Minimum salary of county attorney
under Officer's Salary Bill.

Your request for opinion upon the following
question:

"Whether in determining the salary of
the county attorney under the Salary Law of
January 1, 1936, fees for cases in which the
defendant served out time in jail should be
considered."

"If so, should the county make repara-
tions to the county attorney for the years
1937-38 and 1938?"

has been received by this office.

You are respectfully advised that the above
questions were passed on in opinion No. 0-409 of this
Department, rendered on April 3, 1939, in an opinion
written by Hon. Benjamin Woodall of this Department,
addressed to Hon. Jas. Evetts, District Attorney, Bell
County, Belton, Texas. This opinion holds that the
Commissioners' Court must take into consideration the
fees for cases in which the defendant served out time
in jail and further holds that the county is legally
liable to the county attorney for the amount withheld
from his salary, as is specifically pointed out in the
opinion.

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We respectfully enclose herewith a copy of opinion No. 0-409, above referred to.

Trusting that this answers your inquiry, we are

Very truly yours

ATTORNEY GENERAL OF TEXAS

(Signed)

By

Wm. J. Fanning
Assistant

WJF:AW

APPROVED:

(Signed) Gerald C. Mann
ATTORNEY GENERAL OF TEXAS