



**THE ATTORNEY GENERAL
OF TEXAS**

Gerald C. Mann
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AUSTIN 11, TEXAS
March 23, 1939

ATTORNEY GENERAL

Mr. R. E. Beasley
County Auditor
Collin County
McKinney, Texas

Dear Sir:

Opinion No. O-512
Re: Should local or foreign county pay
constable's fees for serving process
for foreign counties?

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

Senate Bill No. 5, Acts of Second Called
Session, 44th Legislature, Section 17b, reads in part
as follows:

"In counties wherein the county officers named in this Act are compensated on the basis of an annual salary, the State of Texas shall not be charged with and shall not pay any fee or commission to any precinct officer for any services by him performed, but said officer shall be paid by the county out of the Officer's Salary Fund, such fees and commissions as would otherwise be paid him by the State for such services."

We are informed by the Comptroller's office that Collin County has a population of 46,180 inhabitants according to the last Federal census, therefore, being one of the counties in which the county officials are compensated on the basis of an annual salary.

This Department has recently held in opinions No. O-133 and O-155 that when a constable in an over county who remains on a fee basis and who receives a subpoena of another county to be served in his precinct should, upon the receipt of a proper certificate from the foreign county, be paid out of the Officer's Salary Fund of his native county.

The abovementioned article, by its terms, provides that all fees heretofore paid by the State of Texas for services rendered for precinct officers shall hereafter be paid by the county out of the Officer's Salary Fund.

In view of the foregoing statutes and opinions referred to, you are respectfully advised that it is the opinion of this Department that a constable

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in an over county who remains on a fee basis and who receives a subpoena from another county to be served in his precinct, should upon the receipt of the proper certificate from a foreign county, be paid out of the Officer's Salary Fund of his native county.

Trusting that the foregoing answers your inquiry, we remain

Very truly yours

ATTORNEY GENERAL OF TEXAS

By /s/ Ardell Williams
Ardell Williams
Assistant

AW:AW:jrb

APPROVED:
/s/ Gerald C. Mann
ATTORNEY GENERAL OF TEXAS