



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable H. L. Washburn  
County Auditor  
Harris County  
Houston, Texas

Dear Sir:

Opinion No. O-1504  
Re: Does Senate Bill No. 401  
apply to Harris County;

See 1504-A

Your request for our opinion on the above stated question has been received by this department.

Senate Bill No. 401, Acts of the 46th Legislature, reads, in part, as follows:

"Section 1, Article 625 of the Code of Criminal Procedure of the Revised Statutes of 1925, is hereby amended so as to read as follows:

"Special pay for veniremen. All men summoned on special venire who have been challenged or excused from service on the trial, shall be paid out of the jury fund One (\$1.00) Dollar for each day that he attends court on said summons. No person shall receive pay as a special venireman and regular juror for the same day. No per diem shall be allowed under this Article to any venireman for more than one case the same day.

"Section 2. Provided, however, the terms and conditions of this Bill shall not apply to any county in this State having a population of not less than two hundred ninety thousand (290,000) not more than three hundred fifty-five thousand (355,000) according to the last preceding Federal Census, and all future Federal Census."

Section 3 of the Act declared an emergency and provided that the Act should take effect from and after its passage.

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We are informed by your letter and by the Comptroller's office that Harris County had a population of three hundred fifty-nine thousand three hundred twenty-eight (359,328) inhabitants according to the 1930 Federal Census.

We construe the above mentioned statute to apply to all those counties having a population of not less than two hundred ninety thousand (290,000) or more than three hundred fifty-five thousand (355,000) according to the last preceding Federal Census and all future Federal Census, and Harris County does not come within the designated population bracket. Therefore, you are respectfully advised that it is the opinion of this department that Senate Bill No. 401, Acts of the 46th Legislature, does not apply to Harris County.

Trusting that the foregoing fully answers your inquiry, we remain

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Ardell Williams*

Ardell Williams  
Assistant

AW:LM

APPROVED OCT 13, 1939

*Gene B. Mann*

ATTORNEY GENERAL OF TEXAS

