



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable A. F. Prestwood  
County Auditor  
Smith County  
Tyler, Texas

Dear Sir:

Attention: Mr. E. T. Walters

Opinion No. G-1914

Re: Does the Commissioners' Court of Smith County have the authority to order payment of bills for stationery and office supplies for the district court reporters listed?

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

We quote from your letter as follows:

"Please advise if the Commissioners' Court of Smith County has the authority to order payment of bills for stationery and office supplies for the District Court reporters of the Special Judicial District of Smith County and the Seventh Judicial District comprised of Smith, Wood and Upshur Counties. If so, to what extent and from what fund should payment be made?"

Title 42, Chapter 13, Vernon's Annotated Civil Statutes, beginning with Article 2321, and ending with and including Article 2327b, provides for the examination,

Honorable A. F. Frestwood, page 2

appointment, fees, salaries, expenses and manner of payment of official court reporters for district and original district courts of this State. These statutes also provide that such official reporter shall take and subscribe to the official oath, and in addition thereto shall subscribe to an oath to be administered to him by the district clerk to the effect that he will well and truly, and in an impartial manner, keep a correct record of all the evidence offered in each case reported by him, together with the objections and exceptions made by the parties to such suit, and the rulings and remarks of the court passing upon the admissibility of testimony. Said statutes further set out in detail the duties of such reporters, and provide that when either party to a civil case pending in the county court or a county court at law, applies therefor, the judge thereof shall appoint a competent stenographer, etc.

Article 2326a, Vernon's Annotated Civil Statutes, provides, in addition to the compensation provided by law for the services of official court reporters, that said official court reporters shall be allowed their actual and necessary expenses while actually engaged in the discharge of such duties not to exceed four dollars per day for hotel bills, not to exceed four cents a mile when traveling by railroad or by bus, not to exceed ten cents a mile when traveling by private conveyance, in going to and returning from the place where such duties are discharged, traveling the shortest practical route. This statute further sets out in detail the manner by which such expenses shall be paid and from what funds, upon the sworn statement of the reporter, approved by the judge.

None of the above mentioned statutes provide for the expenses for stationery and office supplies for such reporters.

In numerous cases which we do not deem necessary to cite, the courts have held that the commissioners' courts are courts of limited jurisdiction, and that their authority extends only to matters pertaining to the general welfare of their respective counties,

Honorable A. H. Brewster, page 3

and that their powers are only those expressly or impliedly conferred upon them by law; that is, by the Constitution and statutes of the State.

After a careful search of the statutes and other authorities, we find no statute or other authority that authorizes the commissioners' court to pay for stationery and office supplies for district court reporters. Therefore, your question is answered in the negative.

Trusting that the foregoing fully answers your inquiry, we remain,

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Ardell Williams*

Ardell Williams  
Assistant

AW:LV

APPROVED FEB 6, 1940

*Genes E. Mason*  
ATTORNEY GENERAL OF TEXAS

