



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable R. S. Wyche
County Auditor
Gregg County
Longview, Texas

Dear Sir:

Opinion No. O-5519

Re: Whether or not the Commissioners' Court can provide a resident district judge with a typewriter.

Your letter of September 15, 1945, requesting the opinion of this department on the above stated question reads as follows:

"May the Commissioners' Court provide a resident District Judge with a typewriter?"

"The only law I have been able to find is section 2 of article 3699b, Vernon's."

Section 2 of Article 3699b, Vernon's Annotated Civil Statutes, provides:

"Sec. 2. Suitable offices and stationery and blanks necessary in the performance of their duties may in the discretion of the Commissioners Court also be furnished to resident District Judges, resident District and County Attorneys, County Superintendents and County Surveyors, and may be paid for on order of the Commissioners Court out of the County Treasury."

It is our opinion that the foregoing statute authorizes the Commissioners' Court to furnish a resident District Judge with a typewriter if in the opinion of that body it be necessary in the performance of the official duties of such Judge.

Your inquiry presents a question of construction of

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Section 3 above quoted and presents a matter of first impression so far as we are advised.

In construing a statute the task is never ended until one arrives at the intention of the Legislature and is ended when that intention is discovered. Much has been said and written with respect to "liberal construction" and as much again perhaps has been said with respect to "strict construction". But after all the objective is the intention of the Legislature.

The latest edition of Sutherland on Statutory Construction has this to say:

"One of the most significant tools of statutory construction is the approach to statutory meaning by the process of liberal or strict interpretation. In a general sense 'strict' or 'liberal' construction constitutes an attitude of mind assumed by the person or judge confronted with a statute and the problem of applying that statute to a particular set of facts. The chief value of the device is to be found in the fact that it serves as a synoptic expression which recognizes the intrinsic and extrinsic aids of construction, and the interrelation of those aids to the social and economic problems with which the statute deals.

"'Strict' and 'liberal' construction are relative, but converse terms, and will vary in degree according to the nature of the statute, and the rights and persons affected thereby. A statement that all statutes are interpreted either strictly or liberally because a statute is penal or remedial carries little meaning. A strict or liberal interpretation will depend upon a combination of many factors. Broadly speaking, a strict or liberal interpretation will be made with reference to four differing elements. They are: (1) With reference to former law; (2) With reference to the persons and rights affected; (3) With reference to the letter or language of the statute, and (4) With reference to the purposes and objects of the statute."

Maryland Casualty Company vs. Smith 40 S. W. (2nd) 913 in succinct form announces the proper rule as follows:

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"We are of the opinion that the term 'liberal construction' means to give the language of a statutory provision, freely and consciously, its commonly, generally accepted meaning, to the end that the most comprehensive application thereof may be accorded without doing violence to any of its terms."

Section 8 of Article 10 of the Revised Civil Statutes declares:

"The rule of the common law that statutes in derogation thereof shall be strictly construed shall have no application to the Revised Statutes; but the said statutes shall constitute the law of this State respecting the subjects to which they relate; and the provisions thereof shall be liberally construed with a view to effect their objects and to promote justice."

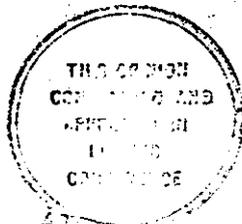
Now the statute we are construing is a civil statute. It authorizes the Commissioners' Court to furnish to the resident District Judge "suitable offices ***** necessary in the performance of their duties ***** in the discretion of the Commissioners' Court."

The term "suitable offices" in the sense used in the statute means more than bare walls or space. When liberally construed as it should be it means offices suitable in connection with the performance of the official duties of the occupant. It could not be said that an office was suitable for the officer if it were not supplied with such things as chairs, desks, heat, lights, and the like things necessary to the exigencies of the situation.

We are of the opinion that the Commissioners' Court would be authorized, in its discretion, to provide a resident District Judge with a typewriter. It is matter of common knowledge that in this day a typewriter to such an officer is often necessary and sometimes almost indispensable.

Yours very truly

ATTORNEY GENERAL OF TEXAS



By

Ocie Speer
Ocie Speer
Assistant

APPROVED
JAN 9, 1915
Gerald C. Mann

OS:gm