



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable L. F. Smolin, Assistant
County Auditor
Gaines County
Seminole, Texas

Dear Sir:

Opinion No. 0-6408
Re: Authority of agent to
collect county auditor's
salary

We have received your recent request for an opinion
on the following question:

"Is the County Auditor authorized to appoint
an agent to collect his salary?"

Such question necessarily involves the authority of
the paying agent of the county to issue warrants in payment of
the county auditor's salary, to make same payable to the law-
fully designated agent of the county auditor for the county
auditor, and to deliver such warrants when issued to such agent.
This does not involve the question of assignment of salary, as
the title to the salary is not transferred by the mere appoint-
ment of an agent to receive the salary for the principal. It
would be otherwise if the contract of agency attempted to
secure the agent a vested interest in all or any part of such
salary for himself. Of course, whatever disposition the
county auditor makes of such salary after same is paid over
to him or his lawful agent has no concern in this question.

Our answer to your question is: a county auditor is
authorized to appoint an agent to collect his salary for him,
Also, the county is authorized to issue the salary warrants in
the name of such lawfully designated agent for the use and
benefit of the county auditor and deliver same to said agent,
upon satisfactory proof of such agency.

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Trusting the foregoing fully answers your question, we are

Yours very truly,

ATTORNEY GENERAL OF TEXAS

/s/

By Robert L. Lattimore, Jr.
Assistant

ELL:rt:ddt

Approved Feb. 16, 1945
/s/ Carlos C. Ashley
First Assistant
Attorney General

Approved Opinion Committee
By E. W. B. Chairman