



**OFFICE OF
THE ATTORNEY GENERAL
AUSTIN, TEXAS**

PRICE DANIEL
ATTORNEY GENERAL

July 2, 1947

Hon. B. D. Geeslin
County Attorney
McCulloch County
Brady, Texas

Opinion No. V-292

Re: The maximum fee which can
be charged by a County
Clerk to file a delayed
birth certificate.

Dear Sir:

We refer to your letter of May 27, 1947, in which you submit the following:

"We would like to know whether or not Article 1702a-1 is applicable to the filing of delayed birth certificates and if it is, whether or not it amends Article 4477, Rule 51a, which provides the fees that shall be charged for the filing of such an application."

The compensation of public officials is fixed by the Constitution or Statutes. An officer may not claim or receive any money as fees of office without a law authorizing him to do so, and clearly fixing the amount to which he is entitled. Tex. Jur., Vol. 34, p.511, Section 107.

Regardless of whether a county library system be set up under Articles 1697-1702 of Vernon's Civil Statutes or under Article 1702-a-1 of said statutes, we are of the opinion that the fees chargeable for birth certificates are controlled as hereinafter shown.

Section 51a of Article 4477 of Vernon's Civil Statutes reads, in part:

"a fee of One Dollar (\$1.00) shall be collected by the Probate Court, fifty cents (50¢) of which shall be retained by the Court, and fifty cents (50¢) of which shall be retained by the clerk of the County Court for recording said birth or death certificate. . . . certified copies of said birth or death certi-

of said Statutes, and an applicant for such a certificate is chargeable with the \$1.00 fee provided in said Section 51a of said Article 4477, but is not chargeable with the \$1.00 filing fee provided in said Article 1702a.

Yours very truly

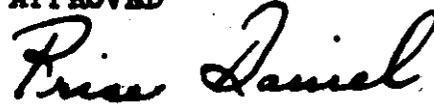
ATTORNEY GENERAL OF TEXAS

By



W. T. Williams
Assistant

APPROVED



ATTORNEY GENERAL

WTW:et:wb:jrb