



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**JOHN BEN SHEPPERD  
ATTORNEY GENERAL**

June 9, 1953

Hon. Allan Shivers  
Governor of Texas  
Austin, Texas

Letter Opinion No. MS-59

Re: Constitutionality of Senate  
Bill 184, 53rd Legislature,  
an act relating to the sal-  
aries of court reporters.

Dear Governor:

Your request for an opinion of this office con-  
cerns the constitutionality of Senate Bill 184 of the 53rd  
Legislature, an act relating to the salaries of court re-  
porters.

Your inquiry is answered by letter opinions to you  
dated May 1, 1951, and May 29, 1951, respectively, copies of  
which are enclosed.

The bill provides that the salary of the short  
hand reporters "shall be paid monthly out of the General  
Fund, Officers Salary Fund, Jury Fund, or out of any fund  
available, etc." This direction is in part unconstitutional,  
but so long as the salary is paid out of the proper general  
fund of the county, we do not believe that the direction to  
pay it out of jury funds etc. nullifies the act as a whole.  
Carroll v. Williams, 109 Tex. 155, 202 S.W. 504 (1918); Lamon  
v. Ferguson, 213 S.W.2d 86 (Tex.Civ.App. 1948).

Therefore, we hold that Senate Bill 184 is consti-  
tutional. The portion of Section 1 authorizing payment of  
salary out of the Jury Fund is in violation of Section 9 of  
Article VIII of the Constitution of Texas. However, this  
does not affect the validity of the remaining provisions of  
the act.

Yours very truly,

JOHN BEN SHEPPERD  
Attorney General

By  
B. Duncan Davis  
Assistant

BDD:am:wb  
Encls.