



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

January 26, 1939

Hon. R. E. Beasley
County Auditor, Collin County
McKinney, Texas

Dear Sir:

Opinion No. O-127
Re: Proration of fees in misdemeanor cases.

Your letter of January 13, 1939, addressed to the Attorney General's Department has been referred to the writer for attention and reply. Your letter reads as follows:

"This situation has been called to my attention in justice court in Collin County, and I am desirous of being advised as to the proper method of handling the same.

"On the trial docket of the Justice of the Peace of one of our precincts there appears a number of cases where a plea of guilty has been entered, and partial payments of the fines have been made. In these cases the parties are unknown to the present Justice of the Peace, their present address is unknown and in one case the defendant is deceased. The Justice of the Peace is of the opinion that the proper procedure would be to clear the docket for the amount paid and figure out the proportion of the same that goes to Collin County, to the Constable, to the Justice of the Peace and to the County Attorney and make his report to the auditor on this basis after he has been receipted for each proportional amount.

"We will appreciate your advice in regard to this matter."

The question that you propounded was answered in opinion No. O-22, dated January 12th and addressed to the Hon. W. P. Sexton, County Attorney of Orange, Texas. A copy of this opinion is enclosed herewith with the section marked that answers your question.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

M. C. Martin
Assistant

MCM:AW

APPROVED:

ATTORNEY GENERAL OF TEXAS