



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable Arnold Smith  
County Attorney  
Montgomery, Texas

Dear Sir:

Opinion No. 0-3415

Re: Can the County Surveyor charge a fee for allow-  
an individual the right  
to examine any book,  
paper or records in his  
office?

Your recent request for an opinion of this depart-  
ment on the above stated question has been received.

We quote from your letter as follows:

"Article 5944 sets out the fees that the  
County Surveyor may charge for his services. One  
of the fees listed reads as follows:

"Examination of papers and let-  
ters in his office, at the request  
of any person."

"I was under the impression that this fee  
could be charged only when the County Surveyor  
examined the papers for some one else. The ques-  
tion has arisen as to whether he can make this  
charge when some other county official or some  
other individual goes into his office and asks  
to look at a record or book.

"Article 5292 reads as follows:

"Any person interested, for him-  
self, or as agent or attorney of an-  
other, shall at all times have the  
right to examine the books, papers,  
plats, maps or other archives belong-  
ing to the office of any surveyor,  
on the payment of the fee fixed by  
law."

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"Please advise me on the following question, 'Can a county surveyor charge a fee for allowing an individual the right to examine any book, paper or record in his office?'"

Under the statutes creating the office of county surveyor, Article 5283-5298, inclusive, the county surveyor is given the custody of the county surveying records, is charged with their safe keeping, and is required to give bond. While under Article 5292, supra, any interested person has a right to examine the records in his office. Article 3944, Vernon's Annotated Civil Statutes, provides such fees for county surveyors and reads, in part, as follows:

"County surveyors shall receive the following fees: . . . Examination of papers and records in his office at the request of any person 25¢. . ."

Article 5292, supra, provides in effect that any person interested, for himself, or as agent or attorney of another, shall at all times have the right to examine the books, papers, plats, maps or other archives belonging to the office of any surveyor, on the payment of the fee fixed by law, and the fee "fixed by law" is set forth in Article 3944, supra, namely: "examination of papers and records in his office at the request of any person 25¢".

We are of the opinion that this provision of Article 3944 authorizes the county surveyor to charge twenty-five cents to each person for each examination he may make of the records in his office. It does not authorize a charge of twenty-five cents for each paper examined. This is clearly apparent when reference is made to the source of Article 3944, namely, the Acts of 1876, Chapter 164, page 292, Section 16. There it was provided that the county surveyor "shall receive the following fees: for each examination of papers and records in his office, at the request of any person wishing to examine them, 25¢; . . ."

In view of the foregoing statute you are respectfully advised that it is the opinion of this department that under Article 3944, supra, the county surveyor is entitled

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to a fee of twenty five cents for each examination of the papers and records in his office.

This department has heretofore ruled to the same effect on a question identical with the one presented in your inquiry in Opinion No. O-3122, other questions are also passed upon in said opinion. We enclose a copy of the same for your information.

Trusting that the foregoing fully answers your inquiry, we are

Yours very truly,

APPROVED APR 25, 1941

ATTORNEY GENERAL OF TEXAS

*George B. ...*

By *Ardell Williams*

FIRST ASSISTANT  
ATTORNEY GENERAL

Ardell Williams  
Assistant

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Enc.

