

H. B. No. 614.

House Bill No. 614, passed by the Regular Session of the Fortieth Legislature, being "AN ACT to create a special and more efficient road system for Jasper County, in the State of Texas, and making County Commissioners ex-officio road commissioners and prescribing their powers and duties as such, and providing for their compensation as such road commissioners; providing for the working of county convicts upon the public roads, bridges and streets; providing for the amount of credit he shall receive for such work and providing for commutation of sentence of faithful service and providing for the hiring of county convicts to individuals of the county for either public or private employment; defining the powers and duties of road overseers and placing them directly under the jurisdiction and control of said road commissioners; providing a penalty for the obstruction of drainways or ditches on public roads providing that said county may assist in financing for improvement and maintenance of streets in cities and incorporated towns in the county and making this Act cumulative of the General Laws now in force and declaring an emergency", is intended for application in Jasper County only.

It will be observed that Section 6 of this Bill defines certain acts as constituting a criminal offense and attempts to fix punishment therefor by a fine of not less than five dollars nor more than fifty dollars.

Our Penal Code contains a provision making similar acts a misdemeanor and fixes a definite punishment therefor.

Upon inquiry of the Attorney General with reference to House Bill No. 593, I was advised that it was the opinion of the Attorney General's Department that "an offense cannot be created to apply only to a certain subdivision". The sense of the opinion is that people in different territories cannot be subjected to criminal prosecution under a special law, when people in other sections are not subject thereto.

I have no objection to the general purpose of this Bill in so far as it applies to the development of the road system in the county affected by its terms.

For the reasons indicated, this Bill is vetoed.

April 4, 1927

*Wm. Wood*  
GOVERNOR OF TEXAS