No. 1257

REPRODUCED FROM THE
HOLDINGS OF THE
TEXAS STATE ARCHIVES

House Bill Number 74, being An Act

" amending Article 416, Chapter V of the Penal Code of 1925, relating to the drawing of juries; defining the duties of certain officers in connection therewith; and providing a penalty for the failure to perform such duties; and declaring an emergency."

House Bill Number 75, being An Act

" amending Article 2094 of the Revised Civil Statutes of 1925 relating to the selection of jurors for service in the district and county courts, so as to make said Article apply in any county having a city of as many as 10,000 population, or cities containing an aggregate population of as many as 10,000, as shown by the preceding Federal Census; and declaring an emergency."

are vetoed for the following reasons.

These bills attempt to amend Article 416 of the Penal Code and Article 2094, Revised Civil Statutes, 1925, respectively, with reference to the placing of names in the jury wheel. It is to be noted that House Bill 75 provides that certain officers shall prepare a list of jurors" in each county having therein a city containing a population of at least 10,000, or containing cities aggregating a population of at least 10,000, as shown by the preceding Federal census." The original Act provided that these officers in counties having therein a city or cities containing or aggregating a population of 20,000 should prepare the list of jurors. In the re-codification of the Statutes, however, this statute has not carried forward so as to include those counties having cities aggregating 20,000 population. Article 416 of the Penal Code is a companion Article to Article 2094 of the Revised Civil Statutes, and fixes the penalty for the officers named neglecting to draw the jurors. House Bill Number 74 passed at this session of the Legislature attempted to amend Article 416, and as passed House Bill Number 74 provides that certain officers in all counties having therein " a city containing a population aggregating 20,000 or more people or containing cities aggregating 20,000 population, as shown by the preceding Federal Census " should be subject to certain penalties for failing to do those things required of them by Article 2094, Revised Civil Statutes. House Bill Number 75 amending Article 2094 provides that the tax assessor should be one of the officers to prepare the list of jurors. House Bill Number 74 amending Article 416 of the Penal Code does not mention the tax assessor as one of those who should be required to prepare the list of jurors.

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Because of the conflict between House Bill 74 and House Bill 75 each of them is vetoed.

Therefore, I, Dan Moody, under and by virtue of the authority vested in me by the Constitution and laws of this State, for the reasons stated have vetoed House Bill Number 74 and House Bill Number 75, and I do proclaim said action to have been taken.

Dan Moody

Governor of the State of Texas.

BY THE GOVERNOR:

B. J. Randolph

Assistant Secretary of State.