

EXECUTIVE DEPARTMENT

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HOLDINGS OF THE
TEXAS STATE ARCHIVES

AUSTIN

March 16, 1934

Honorable W. W. Heath
Secretary of State
Austin, Texas

Dear Sir:

I hand you herewith House Concurrent Resolution No. 12, passed by the Second Called Session of the Forty-third Legislature, which I have this day disapproved and vetoed. I have taken this action for the following reasons:

As I understand it, and as I am advised by lawyers, an act of the Legislature duly passed and approved is subject to interpretation and construction only by the Courts. It is not the function of a subsequent session of the Legislature to construe or interpret the meaning of an act of a prior session, as this Resolution undertakes to do. To approve such a Resolution would be contrary to all former precedents and to the sound principles of law and legal procedure.

At all events, I do not believe that it is within the province or power of the Legislature by Resolution to construe or interpret any act of a former session, nor do I believe that it is within the power of the head of any State Department to construe the act of any Legislature in such a way as to bind the Courts to accept any such construction.

I further believe that it is not within my province as Governor of Texas to construe or interpret an act passed by a former Legislature and duly approved by the Governor and I am not willing to undertake so to do by approving this Resolution.

In addition to the above, the State Banking Commissioner has protested against my approving this Resolution.

Done at Austin, Texas, this the 16th day of March,
A. D., 1934.

Marian W. Ferguson

Governor of Texas.