



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

February 9, 1939

W. C. MANN  
ATTORNEY GENERAL

Hon. L. A. Woods  
State Superintendent of  
Public Instruction  
Austin, Texas

Dear Sir:

Opinion No. O-309  
Re: Article 2750a Revised  
Statutes, being H. B.  
137 p. 541 Gen. Laws  
Regular Session 45th  
Legislature -- valid-  
ity because of caption  
to bill creating.

This will acknowledge receipt of your letter of February 7, 1939, wherein you made the following request:

"Request is made that your Department investigate the bill creating Article 2750a, Revised Civil Statutes, and advise as to whether or not the caption of the bill meets the requirement so that the law as passed has been validly enacted."

We have carefully read the caption of the above mentioned bill and the Act itself, and we do find a variance between the last clause of the caption and the last sentence of the body of the bill.

We respectfully call to your attention the case of Austin Independent School District et al vs. Marrs by the Commission of Appeals, and found in 41 S. W. (2d) p 9, which case we believe is in point on the question presented. We quote the language of the court in passing upon the Act of the Legislature then in question:

"The language of the title thereof not clear in some respects is sufficient we think to apprise the ordinary mind of the subject matter

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of the body of the Act. The contention that the subject of the Act is not expressed in the title is overruled."

The caption of the Act before us, though at variance in the last part of it, is sufficient as to the whole of it to give notice of what the Act contains.

We therefore hold that the Article in question has been properly enacted by the Legislature.

Very truly yours

ATTORNEY GENERAL OF TEXAS

*George S. Berry*  
by *George S. Berry*  
George S. Berry  
Assistant

GSD-MR

APPROVED:

*George S. Manning*  
ATTORNEY GENERAL OF TEXAS

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