



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

April 29, 1939

Honorable W. Lee O'Daniel, Governor
Austin, Texas

Dear Governor O'Daniel:

Opinion No. O-712
Re: Execution of release of
Texas and New Orleans Railroad
Bonds

This will acknowledge receipt of, and is in reply to, your letter of April 25, 1939. You enclosed in your letter a form of release of certain bonds executed by Texas and New Orleans Railroad Company, said bonds being described in such release as bonds numbered from 1 to 8 inclusive, payable to the State of Texas, for the aggregate principal sum of \$430,500.00, evidencing loans from the special school fund of the State of Texas during the months of April, June, July, November and December, A. D. 1860, and in the month of January, 1861, to said railroad company. The bonds are described as being secured by a first lien on "that part of the main line of said railroad company extending from the Trinity River, at Liberty, to the Neches River at Arlington, in the Counties of Liberty, Jefferson and Orange, in said State."

We find no statute which makes it a specific duty of any particular state officer to execute the release in question. Section 1 of Article 4 of the Constitution provides that the Governor shall be the Chief Executive Officer of the State. The execution of the release here involved is a ministerial function which, in our opinion, should properly be exercised by the Chief Executive Officer in the absence of a statute directing otherwise. Accordingly, in our opinion, you are the proper officer to execute the release in question, provided that you are satisfied that the bonds covered by the release have been paid in full in accordance with their provisions.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By (Signed) ROBERT E. KEPKE
Robert E. Kepke
Assistant

REK:BT

APPROVED:
(Signed) GERALD C. MANN
ATTORNEY GENERAL OF TEXAS