



THE ATTORNEY GENERAL
OF TEXAS

AUSTIN 11, TEXAS

JOHN BEN SHEPPERD
ATTORNEY GENERAL

June 5, 1953

Hon. Allan Shivers
Governor of Texas
Capitol Station
Austin 11, Texas

Letter Opinion No. MS-50

Re: Validity of Senate Bill 273,
providing for a fee of \$5.00
in each divorce case in cer-
tain counties.

Dear Governor:

In reply to your request for the opinion of this office as to the validity of Senate Bill 273 of the 53rd Legislature, this office advises you that the Bill is unconstitutional.

The caption of Senate Bill 273 provides in part:

"An Act providing for the assessment and collection of a fee or tax in divorce cases filed in counties having four (4) or more District Courts sitting as a Juvenile Board; . . ."

Nowhere in the body of the Bill is there found any provision regarding "counties having four (4) or more District Courts sitting as a Juvenile Board." On the contrary, the following provision is found in the body without being mentioned in the caption:

". . . there shall be taxed, collected, and paid as other cost the sum of Five (\$5.00) Dollars in each divorce case hereafter filed in every District Court in each county having a population of 190,000 at the time of the last Federal Census, . . ." (Emphasis supplied)

Section 35 of Article III of the Constitution of Texas provides in part:

"No bill . . . shall contain more than one subject, which shall be expressed in its title. . ." (Emphasis supplied)

Hon. Allan Shivers, page 2 (MS-50)

Therefore, we advise you that Senate Bill 273 is unconstitutional because of the designated conflicts between the body and caption.

Yours very truly,

JOHN BEN SHEPPERD
Attorney General

By
Billy E. Lee
Assistant

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