



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD
ATTORNEY GENERAL**

June 9, 1953

Hon. Allan Shivers
Governor of Texas
Austin, Texas

Letter Opinion No. MS-58

Re: Constitutionality and effect
of Senate Bill 160 of the
53rd Legislature.

Dear Governor:

You have requested an opinion on the constitutionality and effect of Senate Bill 160 of the 53rd Legislature, fixing assessments to be made in each civil case.

Section 2 makes the provisions of this act applicable to all counties in Texas. Section 4 of this act is the only change in the existing law. It authorizes the commissioners' courts to tax and collect as court costs in each civil case in every county and district court, except suits for delinquent taxes, not to exceed \$5.00 in each case to finance county law libraries.

Although in Ex Parte Carson, 143 Tex. Crim. 498, 159 S.W.2d 126 (1942), a statute was held unconstitutional that provided for payment of \$1.00 as cost in criminal cases, the same constitutional provision would not apply to Senate Bill 160 since it is not a local or special law and governs civil cases only.

We are of the opinion that Senate Bill 160 is constitutional.

Yours very truly,

JOHN BEN SHEPPERD

By
Sam C. Ratliff
Assistant

SCR:am:wb