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| ALIENS-   |                                  |
|---|----------------------------------|
| Under the terms of Article 176 of the Revised Civil Statutes,<br>1925, all aliens owning lands in this State, without distinc-<br>tion as to whether such lands are subject to escheat under<br>the terms of Article 166 et seq., are required to file written<br>report of such ownership, as prescribed by Article 176.<br>Construing Article 176, Revised Civil Statutes, 1925 | 161                              |
| - /   |                                  |
| APPROPRIATION BILL—<br>Cannot repeal or amend general laws  | 71                               |
| The paragraph appended to the end of the appropriation for the<br>State Banking Department for the biennium ending August<br>31, 1937, is ineffective and invalid, as conflicting with gen-<br>eral laws of the State insofar as it purports to be a limita-<br>tion upon certain items of appropriation for the State Bank-<br>ing Department                                    | 71                               |
| A general law may not be amended or changed by the provisions<br>of an appropriation bill, under Acts of the Forty-third Leg-<br>islature, Regular Session, Chapter 211, the funds provided<br>for therein shall be allotted according to the terms of said<br>Act and not as provided for in Article 2750, Revised Civil<br>Statutes, 1925                                       | 46                               |
| AUTOMOBILE INSURANCE  |                                  |
| See Insurance Commission.   |                                  |
| BANK DEPOSIT INSURANCE CORPORATION—<br>Instrumentality of Government<br>Commissioner may receive compensation as director<br>President selected by board<br>Commissioner may be President<br>Duties of Commissioner are ex officio  | 73<br>73<br>73<br>73<br>73<br>73 |
| BENCH WARRANT-  |                                  |
| See Fees of Office.   |                                  |
| BOARD OF EDUCATION—<br>The authority to appoint the personnel to the Text Book Division   |                                  |
| is vested exclusively in the State Board of Education, and<br>not in the State Superintendent of Public Instruction   | 58                               |
| State Text Book Division without the consent or approval of<br>the State Superintendent of Public Instruction   | 58                               |
| The State Board of Education has the authority and is charged<br>with the duty of making the rules and regulations for the<br>guidance of the Text Book Division in the purchase and dis-<br>tribution of text books  | 58                               |
| The duty to see that such rules and regulations are enforced is   |                                  |
| upon the State Superintendent   | 58                               |

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See Constitutional Law.

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## CARRIERS-

See Motor Carriers.

## CODE OF CRIMINAL PROCEDURE CITED OR CONSTRUED-

| Art. | 25   | 30 |
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| Art. | 26   | 30 |
| Art. | 42   | 51 |
| Art. | 113  | 30 |
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| Art. | 1020 | 31 |
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| Art. | 1030 | 51 |
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### CONFEDERATE PENSION-

| Section 5 of Chapter 82, Acts of the Fifth Called Session of the<br>Forty-first Legislature repeals, both expressly and by im-<br>plication, Chapter 153, Acts of the Regular Session of the<br>Forty-first Legislature, pages 330-331  | 133 |
|---|-----|
| Confederate soldiers and widows, not inmates of any State sup-<br>ported institution, who can qualify under the standards and<br>conditions of the Constitution, and the provisions and re-<br>quirements of the Old Age Assistance Act, are eligible to<br>receive old age assistance notwithstanding they may be<br>drawing pensions from the State, at the same time | 133 |
| CONSTITUTION CITED OR CONSTRUED—  |     |
| Art. 1, Sec. 12   | 30  |
| Art. 3, Sec. 33   | 79  |
| Art. 3, Sec. 44   | 146 |
| Art. 5, Sec. 8  | 30  |
| Art. 5, Sec. 12   | 30  |
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#### CONSTITUTIONAL LAW-

Where the caption of an Act provides for withdrawing from sale the bed of Caddo Lake and all public and school lands adjacent thereto and the body of the Act adds after the words "Caddo Lake" the phrase "and tributaries thereto," that part of the Act adding said phrase is of no effect.....

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| Construing: Constitution Article 3, Section 35; Senate Bill No.<br>125, Chapter 127, page 242, Special Laws of the Regular<br>Session of the 42nd Legislature, 1931  | 128  |
| Power of the Legislature to enact laws to provide for the con-<br>fiscation of illegally produced oil  | 25   |
| CORPORATIONS-  |      |
| Franchise Tax—   |      |
| Notes, bonds and debentures, originally maturing a year or more<br>from date of issue, but past due on the books of corpora-<br>tions, are required to be included in the annual report of the<br>corporation as part of their taxable capital for franchise tax<br>purposes   | 38   |
| COUNTY ATTORNEY-   |      |
| See Fees of Office.  |      |
| FEES OF OFFICE-  |      |
| County and District Attorney—  |      |
| Where separate writs are applied for in "bona fide habeas corpus<br>proceedings" and separate writs are legally issued by the<br>Court, and the County or District Attorney appears and<br>represents the State on hearing of such application, the of-<br>ficial is entitled to the fee in each case as fixed by law        | 30   |
| Whether a particular claim or claims for fees in habeas corpus<br>cases are properly due an officer is dependent upon whether<br>same were earned in "bona fide proceedings," which presents<br>a question of fact which will have to be determined by<br>the accounting officers before the claims are approved<br>and paid | 30   |
| When the facts in any claim raise the question of fraud on the   |      |
| part of the official, the claim should not be allowed until<br>after said claim has been passed upon by a court of com-<br>petent jurisdiction. (Rogers vs. Lynn, 49 S. W. (2d) 709)   | 30   |
| Sheriff—   |      |
| Sheriff is entitled to mileage fees for executing a bench warrant<br>on defendants who have been released from his jail to an-<br>other sheriff who was armed with a bench warrant on the<br>original release  | 51   |
| Sheriff is entitled to his mileage from the State for the execu-   | •    |
| tion of a bench warrant upon a defendant who has been re-<br>leased under bond and later commits an offense in another<br>county and is held by foreign county by reason of such of-<br>fense. The sureties on the bond are not liable for such<br>expense in re-arresting the defendant                                     | 51   |
| Sheriff is not entitled to mileage fees for executing a bench<br>warrant where he has released his prisoner to another of-<br>ficer who was armed with only a warrant issued out of the<br>Justice Court   | 51   |

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| See Corporations.   |          |
| GAME LAWS—<br>Opinion construing P. C., Art. 1377   | 98       |
| GROSS RECEIPTS TAX  |          |
| HABEAS CORPUS—<br>See Fees of Office.   |          |
| HIGHWAY DEPARTMENT—<br>P. W. A. Regulations control over highway regulations  | 150      |
| INSURANCE—<br>See Insurance Commission.   |          |
| <ul> <li>INSURANCE COMMISSION—</li> <li>The Board of Insurance Commissioners has authority to prescribe the forms upon which all automobile insurance is to be written, and included in their powers is that to prescribe the form of the policy to be used in compliance with Section 11 of Article 911a and Section 13 of Article 911b of the Revised Civil Statutes of Texas, and the Railroad Commission cannot under the law compel the attachment of endorsement promulgated by it to the uniform policy prescribed by the Board of Insurance Commissioners</li></ul> | 90<br>90 |
| other circumstances attending the delivery of the policy  | 90       |
| See Oil.  |          |
| INTOXICATING LIQUOR—<br>See Liquor.   |          |
| LIQUOR  |          |
| C. O. D. shipments of liquor in intrastate commerce by common<br>carriers holding permits to transport and deliver same are<br>not prohibited by the Statutes of Texas if such transporta-<br>tion is for permitted purposes, i. e., medicinal, mechanical,<br>scientific or sacramental purposes   | 12       |
| scientific of sacramental purposes  |          |

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| C. O. D. shipments of liquor interstate are prohibited and made<br>unlawful by Section 239, Criminal Code (389 U. S. C. A.<br>Title 18)  | 12   |
| The transportation of liquor interstate on shippers' order notify<br>bill of lading, where bill of lading with sight draft attached<br>is sent to a bank for collection at the point of destination<br>by the bank, before turning over bill of lading to the con-<br>signee, is prohibited and made unlawful by Section 239<br>Criminal Code (389 U. S. C. A. Title 18)   | 12   |
| Permits-   |      |
| A bona fide wholesale druggist located in a dry area, as pre-<br>scribed by House Bill No. 77, passed by the Second Called<br>Session of the Forty-fourth Legislature, is entitled to re-<br>ceive a wholesale druggist's permit under the provisions of<br>Section 15 (e) of the Act, authorizing the importation,<br>transportation, possession for the purpose of sale and to sell<br>liquor for strictly medicinal purposes  | 109  |
| LIQUOR PERMITS-  |      |
| See Liquor.  |      |
| -  |      |
| MOTOR CARRIERS—<br>Under the provisions of Article 911b, Revised Civil Statutes of   |      |
| Under the provisions of Article 911b, Revised Civil Statutes of<br>Texas, commonly known as the Motor Carrier Act, whole-<br>sale concerns who deliver in their own trucks their products<br>to their customers in other cities, selling the commodities as<br>a given price f. o. b., shipping point and to such price add<br>as an additional cost of the commodities the regular freight<br>charges from the shipping point to the point of destination,<br>such wholesale concerns would be transporting property<br>for hire and would be required to comply with the Motor<br>Carrier Act regardless of whether such additional charges<br>made be called service charges or by any other name | 41   |
| The transportation of property under the facts as above stated<br>would not constitute the wholesale concerns common car-<br>riers, but they would be contract carriers and would be<br>required to comply with that phase of the Motor Carrier<br>Law applicable to contract carriers   | 41   |
| OIL-   | -14  |
| Power of Legislature to provide for confiscation of oil illegally<br>produced  | 25   |
| Right to secure tenders for oil sold and purchased under con-<br>fiscation by the State  | 66   |
| OLD AGE ASSISTANCE-  |      |
| Power of Legislature to levy tax for   | 79   |
| The limitation contained in the Act covering the expense of<br>administering the same to five per cent (5%) applies to<br>the biennium covered by the appropriation  | 140  |

| The State Comptroller of Public Accounts would not be liable<br>for any excess expended in the administration of the Old<br>Age Assistance Act, but such liability rests upon the Old                           | Page    |
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| Age Assistance Act, but such hability rests upon the Old<br>Age Assistance Commission and the Director thereof  | 140     |
| PENAL CODE CITED OR CONSTRUED<br>Art. 1377  | 98      |
| P. W. A. REGULATION   |         |
| RACING COMMISSION-  |         |
| Under Article 655a providing that the Racing Commission shall<br>promulgate rules and regulation to govern race tracks, the<br>Racing Commission does not have authority to levy a license                      | 120     |
| fee on jockeys for the benefit of a jockey fund   | 130     |
| should be turned over to the Racing Commission as trustee   |         |
| for the benefit of the jockeys, the same not being public funds and have no place in the treasury   | 130     |
| REVISED CIVIL STATUTES CITED OR CONSTRUED-  |         |
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| Transfer of Scholastics under Rural Aid Law   | 157     |
| High School tuition provided for in House Bill No. 327 and<br>House Bill No. 158, Acts Regular Session, Forty-fourth<br>Legislature, should be disbursed by the same method as that<br>used for other rural aid |         |
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| Current taxes are not credited with taxes erroneously paid be-<br>fore enactment of statute authorizing credit   | . 146 |
| Exemptions—  |       |
| Exemptions from taxation come within the rule of strict con-<br>struction and the exemption must appear in terms too plain<br>to be mistaken   | 38    |
| Gross Production Tax on Gas-   |       |
| The residue gas or dry gas which is the gas left after the<br>gasoline has been extracted is subject to the payment of the<br>gross production tax levied upon gas provided for by House<br>Bill No. 547, Acts of the 42nd Legislature, Regular Session,<br>page 111, when sold by the producer, or casinghead plant   | 155   |
| The gas produced and saved in paying quantities although used<br>by the producer is subject to the payment of the gross pro-<br>duction tax levied upon gas for the reason that the produc-<br>tion and the use of such gas would consist of a use of such<br>gas for profit   | 155   |
| Gross Receipts-  |       |
| Statutes imposing taxes are always strictly construed and all<br>reasonable doubts with reference to the applicability of the<br>taxes are resolved in favor of the taxpayer   | 9     |
| A gross receipts tax is not payable by telephone companies on<br>commissions earned by the company for collecting tele-<br>graphic accounts on messages sent over its wires to the<br>telegraph company  | 9     |
| A gross receipts tax is not payable under Article 7070 on moneys<br>earned by telephone companies for directory advertising  | 9     |
| A gross receipts tax is not payable under the terms of Article<br>7070 by telephone companies on uncollected accounts  | 9     |
| Poll Tax Exemptions-   |       |
| See Elections.   |       |
| Money paid to the Guardian of an Insane Veteran or to the<br>Guardian of the Beneficiaries of a Deceased Veteran re-<br>ceived as benefits under the World War Veterans' Act,<br>which money has been converted into property, is not exempt<br>from payment of the ad valorem tax in the State of Texas,<br>either under the amended, or under the Constitution and<br>Laws of this State | 123   |
| Old Age Assistance   | 79    |
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