

Hon. Bill S. Watkins, page #2.

proposition submitted to the electors. Aransas County v. Coleman-Fulton Pasture Company, 191 S.W. 553, Heathman v. Singletary, 12 S.W. (2d) 150, Huggins v. Baden, 259 S.W. 204.

It follows that where a departure from the proposition appearing on the ballot paper is alleged, the only question is whether the expenditure contemplated is within or without the proposition upon its true construction. Adams v. Mullen, 244 S. W. 1083.

Construing propositions to this end, it has been held by the courts that "road" includes a bridge constituting a necessary length in the road, and that "turnpikes" means hard-surfaced roads. Aransas County v. Coleman-Fulton Pasture Company and Adams v. Mullen, supra.

The Attorney General's office has held in an opinion written by the Honorable Scott Gaines, former Assistant Attorney General, that road bond money may be used in construction of the proper drains and ditches when such are appropriately and incidentally connected with the construction of the road proper.

And by an analogy of reasoning we see no reason why it would not be held that a survey is necessary in the "acquisition of the right-of-way."

Therefore, it is the opinion of this department that if the Commissioners' Court desires to pay the fee charged by the engineer for making a survey of the road, it may enter an order finding that the survey was necessary to the acquisition of the right-of-way, and may legally pay for same out of the bond money.

However, we want it clearly understood that we are not holding that the Commissioners' Court must assume the debt set out in your letter, but the fact that a survey is necessary to the "acquisition of a right-of-way", they may assume the debt if they so desire.

Trusting that this answers your question, we remain,

APPROVED JUL 14, 1939
s/ W. F. Moore
FIRST ASSISTANT
ATTORNEY GENERAL
APPROVED: OPINION COMMITTEE
BY: WRK, CHAIRMAN
COB-s:wb

Very truly yours
ATTORNEY GENERAL OF TEXAS
By /s/ Claud O. Boothman
Claud O. Boothman, Assistant