

Veto Message On Senate Bill No. 63.

Governor's Office,
Austin, Texas, March 2, 1921.

To the Honorable Senate of the State
of Texas.

Gentlemen: After due consideration of Senate Bill No. 63, I feel it my official duty to veto the same, which I have done, and in connection therewith make the following brief statement:

This bill amends Article 4703, Revised Statutes, by providing that causes of action in the nature of damage suits for personal injuries as to body, health or reputation which might have been instituted against the person, if alive, can be instituted and prosecuted against his administrators or executors as parties defendant and the suit prosecuted to judgment as though such defendant or person had continued to live.

The effect of this bill is to authorize the institution of damage suits for personal injuries and other torts against the administrators and executors of the tort-feasor. This, I believe, would be contrary to sound public policy. I think the ends of public justice would demand that a person who does not open his mouth for an injury against a tort-feasor while said tort-feasor lives should not be permitted to do so after he is dead. In other words, I believe this bill would encourage the institution of fictitious and fraudulent suits for damages on account of alleged acts of defendant after his death which would not have been instituted had the defendant or tort-feasor lived.

Should this bill become a law it would be easy picking for some unscrupulous litigant to file suit for large damages against the estate of some man of wealth, stating in his petition for damages, that said man, while alive, did or said something that injured the health, the reputation or the body of the one filing suit, and, as the other party to whatever was said or done would be dead, it would be difficult to make a defense to the allegations.

When the person who is a party to an accident or incident fails to file suit for damages while the other party to the accident or incident is still alive, he should be estopped from doing so

after the other party is dead. When death closes the lips of one, the law should not open the courthouse door to the other.

Believing, therefore, that this bill, should it become a law, would occasion much vexatious, harassing and unnecessary litigation, I return it with my veto.

Yours sincerely,

PAT M. NEFF,
Governor.

The above message was read, and Senator Bailey moved that the message be laid on the table subject to call.