

Under the law of this State the Governor has no authority to waive or change in any way the provisions of a statute after it has been duly passed by the Legislature and approved by the Governor, and, therefore, you would have no authority to grant this petition and the people who fish in the lakes would be required to fish in the manner prescribed by the law applicable to this subject.

The Legislature, however, is now in session and the matter could be taken care of if the parties who are interested would submit it to the representatives in the Legislature from the county in which the lakes are located, provided, of course, it is deemed advisable and in the public interest to do so.

Very respectfully,

T. F. WEST,

Attorney General.

BRIDGES—AUTHORITY OF COUNTY TO PAY DAMAGES SUSTAINED BY DEFECTIVE BRIDGE.

Tallahassee, Fla., May 11, 1917.

*Honorable Sidney J. Catts, Governor,
Capitol.*

Dear Sir:

Yours of the 8th instant, with letter from Dr. E. Porter Webb, of Laurel Hill, has been received and noted.

The inquiry from Dr. Webb relates to the loss sustained by Mr. Owen of Okaloosa County, who lost his wife and child, together with considerable property, as a result of the alleged defective condition of one of the county bridges, and it appears that the court has held that the county is not liable or that it cannot be sued by Mr. Owen and recovery had for the damage sustained by him.

This holding, I assume, is based upon the decision of the Supreme Court of this State in the case of James W. Keggin v. County of Hillsborough, 71 Fla. 356.

It is suggested by Dr. Webb that an act might be passed by the Legislature authorizing the county to pay Mr. Owen for the damage sustained. This might be done if some understanding could be arrived at as to the amount which he should receive which would be satisfactory to all parties concerned and which the representatives in the Legislature from that county would be willing to ask the Legislature to authorize in a special act which they would present to the Legislature.

There are decisions which hold the members of boards of county commissioners personally liable for damage sustained in cases of this kind, which it might be well to call to the attention of the parties interested. This was held in the case of Strong v. Day (Okla.) 160 Pac. 722, where the court, in the headnote to the opinion, said:

"The individuals composing a board of county commissioners are personally liable to any person suffering damage thereby, and who is himself not guilty of contributory negligence, for their negligent failure to repair a county bridge under their care and supervision; there being sufficient public funds available for making such repairs."

In order to take care of the situation it will be necessary that the matter be taken up by the local representatives in the Legislature and a special act passed covering the subject, and if this should not be done it will be necessary for the parties who are interested to consider the question of whether or not the facts warrant them in proceeding against the members of the board of county commissioners of the county for compensation for the damage sustained.

Respectfully,

T. F. WEST,

Attorney General.