

OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

**GERALD C. MANN
ATTORNEY GENERAL**

Honorable L.R. Thompson
County Auditor
Taylor County
Abilene, Texas

Dear Sir:

Opinion No. 0-2857

Re: Are men now in the U.S. Army who have not served in time of war entitled to benefits under Article 1939a, Vernon's Annotated Civil Statutes?

Your recent request for an opinion of this department on the above stated question has been received.

We quote from your letter as follows:

"Under Article 1939a of the Revised Civil Statutes the county clerks are required to furnish certified copies of documents used in obtaining compensation for World War Veterans, etc. Section 2 under this article states and defines ex-service men coming under this article as being entitled to benefits referred to 'for service in time of war'.

"Are men now in the U.S. Army who have not served in time of war entitled to such benefits?"

Article 1939a, Vernon's Annotated Civil Statutes, reads as follows:

Section 1. "That from and after the effective date of this Act, all county clerks, district clerks, and other officials of this State who are required to issue any form of certificate or any copy or copies of instruments necessary as proof to establish any claim or claims of ex-service men of the Federal Government, shall issue such certificate and likewise certified copies of any instrument necessary to prove any fact or establish any claim of such ex-service, free of any charge and shall include the establishing of compensation statutes, and any other fact to be established to aid and assist such ex-service men in completing the record of such service when necessarily required in the establishment of claims and necessary service status, and either the World War, the Spanish American War, or any other active service, where such service was rendered, and where the person would, on proper proof, be entitled to compensation, insurance, or any other form or adjustment service for services

rendered to the United States government by such ex-service men. The county clerk, district clerk, or other officials issuing such certificates or certified copies of instruments, shall not be liable for any settlement, for any such reduction, and the same shall not be counted as fees collected and chargeable to such office, and shall form no part of the maximum fees of such office. All the provisions of Section 1 hereof, shall inure to the heirs at law of such ex-service men, where the proof is necessary to establish the claims emanating through or under such ex-service men."

Section 2. "Ex-service men, as meant in this Act, shall include all those persons recognized by the United States as being entitled to adjustment compensation or other form of settlement for service in time of war."

The above mentioned statute was passed by the 46th Legislature and became effective April 27, 1939. Section 3 of the Act repeals all conflicting laws and parts of laws and Section 4 declared an emergency and provided that the Act should take effect from and after its passage.

The title of the Act reads as follows:

"An Act providing and directing county Clerks, district clerks, and other officials to issue certificates and certified copies of instruments in their respective offices to ex-service men of the World War and the Spanish American War where such certificate and copies of instruments are necessary to be used for furthering claims and establishing proof of such ex-service men to such claims for compensation, or other claims to be established, defining ex-service men; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

After carefully considering Article 1939a, supra, and the caption of the Act creating it, you are respectfully advised that it is the opinion of this Department that said act was intended to apply only to ex-service men of the World War and the Spanish American War.

Your question is, therefore, answered in the negative.

Trusting that the foregoing fully answers your inquiry, we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

By s/Ardell Williams
Ardell Williams
Assistant

AW:RS:wc

APPROVED NOV 6, 1940
s/ Gerald C. Mann
ATTORNEY GENERAL OF TEXAS

Approved Opinion Committee by s/BWB