



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable J. Watt Page
Adjutant General of Texas
Austin, Texas

Dear Mr. Page:

Opinion No. 0-3882

Re: Matter of release to be executed
by members of the Texas Defense
Guard.

We approve your suggestion of taking releases from
volunteer members of Texas Defense Guard.

The form suggested by you, which meets our approval,
is as follows, to-wit:

PERMISSION

STATE OF TEXAS

COUNTY OF _____

For and in consideration of the benefits accruing to
me in matters of training, instruction, education, and mental
and physical development, by being permitted to enlist, or re-
ceive a commission in the Texas Defense Guard, and to partici-
pate in the official activities of the Aviation Branch of the
said Texas Defense Guard, and in further consideration of be-
ing permitted to operate, as a pilot, co-pilot, mechanic, or
otherwise, flying equipment, including planes or ships individ-
ually owned by me, or equipment of any nature belonging to,
used by, or in any way employed in connection with or incident
to the official operations of the Aviation Branch of the Texas
Defense Guard by the State of Texas, the Governor of the State
of Texas, and the Adjutant General of the State of Texas, or
any other officer or person of the Texas Defense Guard author-
ized to issue orders in connection therewith, I, the undersigned,
do hereby release the State of Texas, the Governor of the State
of Texas, personally, the Adjutant General of the State of Texas,

personally, and the said Texas Defense Guard and all officers and personnel thereof, personally, from any and all liability for death or any injury to myself, or damage to my property, or any other injury, whether to personal property or otherwise and of every kind or character which the undersigned may receive, or which may result directly or indirectly while operating any of the aforesaid equipment.

The undersigned hereby assumes all risks in connection with all such operations, and this release shall apply equally to any right of action that may accrue to the heirs and personal representatives of the undersigned as well as to himself.

In further consideration of the benefits outlined herein, the undersigned agrees to carry at his own expense upon any plane or other personally owned equipment so used, public liability and property damage insurance with an approved insurance company in such reasonable amount as may be required and approved by the Adjutant General of Texas.

In further consideration of the benefits accruing as first stated herein, the undersigned stipulates and agrees that while operating any of the aforesaid equipment, whether personally owned or otherwise, that he will abide by all of the orders, rules and regulations of any nature whatsoever pertaining to the use of said equipment by the Texas Defense Guard which may be issued by or under the authority of the Aviation Branch Commander or the Adjutant General of Texas.

The undersigned further states and acknowledges that he is a bona fide member of the Texas Defense Guard, duly enlisted or commissioned therein, and that he has read the contents hereof and understands the purpose and nature thereof and has voluntarily executed the same.

It is understood that this release shall not apply to persons belonging to the Texas Defense Guard ordered out for active duty by the Governor of Texas, by virtue of his office as Commander-in-Chief of the military forces of the State of Texas, wherein he has the power in case of insurrection, invasion, tumult, riot, or breach of the peace, or imminent danger thereof, to order into the active service of this State any part of the militia that he may deem proper.

Honorable J. Watt Page - page 3

Subscribed and sworn to before me, a Notary Public,
in and for _____ County, Texas, this _____ day
of _____, 194_____.

Notary Public in and For said
County.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Ocie Spear
Ocie Spear
Assistant

APPROVED AUG 14, 1941

02-12

acting
Robert E. Stegner
ATTORNEY GENERAL OF TEXAS



*OK
8/17/41*