



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable George C. Betts, Director  
Veterans' State Service Office  
Land Office Building  
Austin, Texas

Dear Sir:

Opinion No. O-4794  
Re: Article 1939a, V. A. C. S.,  
(H. B. 1004, 46th Leg.) does  
not apply to World War II  
veterans and their dependents.

On October 24, 1942, you addressed the following  
inquiry to this department:

"House Bill No. 1004, Article 1939a, Section  
I, enacted by the 46th Legislature in 1939 provides  
that all County Clerks, District Clerks and other  
officials, are required to issue without cost any  
form of certificate or any copy or copies of in-  
struments necessary to prove the facts in estab-  
lishing any claim or claims of ex-service men of  
the Federal government.

"The Bill further provides that all of the  
provisions of Section I shall insure 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.

"QUESTION: Whether the provisions of  
House Bill No. 1004 include ex-service  
men and their heirs, of World War II?

"I should like very much to have an opinion  
rendered by your department on this subject at your  
earliest convenience."

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We answered your inquiry by sending you a copy of opinion No. O-4820 of this department.

On October 30, 1942, we received another communication from you relative to this matter. We quote from your letter as follows:

"I am in receipt of your letter of October 29 enclosing a carbon copy of letter addressed to Honorable Melvin Combs, County Attorney, Jefferson County, Beaumont, Texas, relative to Opinion No. O-4820. You stated that this answers the question submitted in my letter of October 24.

"The subject of Mr. Melvin Combs' inquiry is the same as mine, but the application of the law in your answer to him pertains to the 'Servicemen's Dependents Allowance and Allotment Act of 1942', whereas my question requires an interpretation of the word 'World War'; whether the term is inclusive of both World War I and World War II, or limited specifically to World War I. The Allowance and Allotment Act relates to an apportionment of the World War II veterans' service pay, while my inquiry relates to death compensation, insurance, etc., of both World War I and World War II veterans and their dependents.

"I will appreciate an opinion from your department as to whether the word 'World War' in Article 1939a covers both World War I and World War II.

". . . ."

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

"Section 1. That from and after the effective date of this Act, all County Clerks, District Clerks, and other officials in 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 any 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 men, free of any

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charge, and shall include the establishing of compensation status, and any other necessary fact to be established to aid and assist such ex-service men in completing the record of such service when necessary or required in the establishment of claims and necessary service status, in 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 of adjusted settlement for service 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 of 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 claim emanating through or under such ex-service men.

"Sec. 2. Ex-service men, as meant in this Act, shall include all those persons recognized by the United States Government as being entitled to adjustment compensation, or other form of settlement for service in time of war. Acts 1939, 46th Leg., p. 329."

The caption 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 certificates 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 emergency."

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Opinion No. 0-4820 of this department, a copy of which has already been sent to you, construes Article 1939a, supra. We quote from said opinion as follows:

"After carefully considering Article 1939a, supra, in connection with 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.

"In connection with the foregoing we have carefully considered the 'Servicemen's Dependents Allowance Act of 1942' (Chapter 443-2d Session; Public Law 625-77th Congress) and do not believe or think that such act has any application to the questions under consideration.

"You are further advised that the fees collected for the above mentioned services should be deposited in the officer's salary fund as required by Section 5 of Article 3912e, Vernon's Annotated Civil Statutes."

Article 1939a, supra, was enacted by the Forty-sixth Legislature and became effective April 27th, 1939. Section 3 of the act repeals all conflicting laws and parts of laws and Section 4 declares an emergency and provides that the act should take effect from and after its passage. Such act was enacted several months prior to Germany's invasion of Poland, in September, 1939, and was enacted more than two and one-half years prior to the entrance of the United States in the present World War.

Specifically answering your question it is our opinion that the term "World War" as used in Article 1939a, V. A. C. S. is limited to World War I. It does not include the present World War.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Wm. J. Fanning  
Assistant

APPROVED NOV 8, 1942

FIRST ASSISTANT  
ATTORNEY GENERAL

WJF:mp

