



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN 1

GROVER SELLERS
ATTORNEY GENERAL

Honorable Joe Earnest
County Attorney
Mitchell County
Colorado City, Texas

Dear Sir:

Opinion No. 0-6939

Re: Under Article 1939a, V.A.C.S.,
must an ex-serviceman pay the
county clerk for a certified
copy of his discharge in order
to prove his claim for a prior-
ity in purchase of surplus war
material?

Your request of recent date is as follows:

"Under Article 1939a, must a person who has served in the Armed Forces of the United States of America pay the county clerk for a certified copy of his discharge in order to prove his claim for a priority in purchase of surplus war material?"

Article 1939a, V. A. C. S., as amended by the Acts 1945, 49th Legislature, page 567, Chapter 346, Section 1, is as follows:

"Article 1. Any person, his guardian, or his dependents or heirs at law who is eligible to make a claim against the Government of the United States of America as a result of service in the Armed Forces of the United States of America, or the services auxiliary thereto, including the Maritime Service and the Merchant Marine, shall upon the request therefor by such person, his guardian, or his dependents, or heirs at law, be furnished without cost a certified and authenticated copy or copies of any instrument, public record or document necessary to prove or establish such claim, which is in the custody or on file in the office of County Clerks, District Clerks and other public officials of this State, by such officials. Provided, the

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issuance of such certified or authenticated copy or copies by such officials shall not be considered in determining the maximum fee of such offices.

"Art. 2. The rights conferred by this Act shall extend to any person, his guardian or his dependents, or heirs-at-law who are eligible by reason of service heretofore or hereafter rendered in the Armed Forces of the United States of America, or the services auxiliary thereto, including the Maritime Service and the Merchant Marine, when such person, his guardian, or his dependents, or heirs-at-law are eligible to make claim against the Government of the United States of America as a result of such service."

Where a statute, civil or criminal, is expressed in plain and unambiguous language, and its meaning is clear and obvious, there is no room for construction. Gaddy v. First National Bank of Beaumont, 283 S. W. 472; Sparks v. State, 174 S. W. 351.

It will be noted that Article 1939a, supra, requires the County Clerks and District Clerks to furnish ex-servicemen, who are eligible to make a claim against the Government of the United States of America as a result of service in the Armed Forces of the United States of America, without cost a certified and authenticated copy or copies of any instrument necessary to prove such claim.

In view of the plain provisions of Article 1939a, supra, it is the opinion of this department that a person who has served in the Armed Forces of the United States of America is not required to pay the County Clerk for a certified copy of his discharge in order to prove his claim for priority in purchase of surplus war material.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

J. C. Davis, Jr.
J. C. Davis, Jr.
Assistant

By

John Reeves
John Reeves

JR/JCP

