



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

January 26, 1961

Dr. J. W. Edgar
Commissioner of Education
State Department of
Education
Austin, Texas

Opinion No. WW-990

Re: Whether more than five
students from any of the
Nations of the American
continents can attend a
Texas College exempt from
tuition payment under the
provisions of Article
2654e, Vernon's Civil
Statutes.

Dear Dr. Edgar:

In your letter requesting an opinion from this office, you ask whether more than five students from any one of the Nations of the American continents may attend a Texas College exempt from tuition payments under the provisions of Article 2654e, Vernon's Civil Statutes.

Article 2654e, Vernon's Civil Statutes, Senate Bill 4, Acts 47th Legislature, 1941, ch. 25, p. 38, § 1, provides in part:

"The governing boards of the several institutions of collegiate rank, supported in whole or in part by public funds appropriated from the State Treasury, are hereby authorized and directed to except and exempt five (5) native born students annually from each of the other nations of the American continents from the payment of tuition fees; . . . provided further that the total number of students entitled to the benefits provided herein shall never exceed one hundred (100) annually; and provided further that the State Board of Education, in cooperation with representatives of the governing boards . . . shall formulate and prescribe a plan for the admission and distribution of all applicants desiring to qualify under the provisions of this Act. . . ."

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It is a basic rule of construction that when a statute is clear and unambiguous, it must be given effect without attempting to construe or interpret the law, 39 Tex. Jur. "Statutes," Sec. 90, p. 168.

Further, it is well settled that when a statute gives authority to do a particular thing and prescribes a mode of doing it, it is mandatory in that all other modes are excluded. 39 Tex. Jur. "Statutes," Sec. 17, p. 39.

In view of the foregoing, it is the opinion of this office that Article 2654e, Vernon's Civil Statutes, is clear in that a total of five native born students from each of the American continents will be allowed to attend State supported institutions of collegiate ranks annually without payment of tuition and not that one hundred scholarships shall be granted. The Legislature has plainly stated in Article 2654e, Vernon's Civil Statutes, that in no event could more than one hundred students be accepted under the provisions of Article 2654e.

S U M M A R Y

Under Article 2654e, Vernon's Civil Statutes, no more than five students from each American Nation are eligible to enroll annually in a Texas College exempt from tuition payments.

Yours very truly,

WILL WILSON
Attorney General of Texas

By 
Martha Joe Stroud
Assistant

MJS:mm

APPROVED:

OPINION COMMITTEE
W. V. Geppert, Chairman

L. P. Lollar
B. H. Timmins, Jr.
Leon F. Pesek
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REVIEWED FOR THE ATTORNEY GENERAL
BY: Leonard Passmore