



THE ATTORNEY GENERAL OF TEXAS

GROVER SELLERS
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ATTORNEY GENERAL

AUSTIN 11, TEXAS

Hon. W.T. Birdwell
County Auditor Bowie Co.,
Boston, Texas

Dear Sir:

Opinion No. 0-6342

Re: Whether Veterans of World War II are required to pay for certified copy of marriage licenses and birth certificates.

We have your letter of recent date requesting the opinion of this department regarding the question whether Veterans of World War No. II are required to pay for certified copies of marriage licenses and birth certificates issued for such veterans.

Section 1 of Article 1939a, Vernon's Annotated Civil Statute provides:

"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, or any ex-members of the Auxiliaries to the armed forces of the United States Government shall issue such certificate, and likewise certified copies of any instrument necessary to prove any facts or establish any claim of such ex-service men or such ex-members of the Auxiliaries, free of any 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 and ex-members of the Auxiliaries in completing the record of such service when necessary or required in the establishment of claims and necessary service status, in either World War I, the Spanish-American War, World War II, 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 or ex-members of the Auxiliaries. 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 and ex-members of the Auxiliaries, where the proof is necessary to establish the claim emanating through or under such ex-service men or ex-members of the Auxiliaries."

Section II of Article 1939a, V.A.C.S., defines the term "ex-service men" and "ex-members of the Auxiliaries" as used in the Act. It is stated in our Opinion No. 0-6067 that the terms "ex-service men" and "ex-members" of the Auxiliaries include all those persons recognized by United States Government as being entitled to adjustment compensation, or other form of settlement for service in time of war, when such persons have been discharged from such service, or when such members show that they are now recognized by the United States Government as being entitled to adjustment compensation, or other form of settlement for service in time of war.

Section 1 of Article 1939a expressly provides that 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 instrument necessary as proof to establish any claim or claims of any ex-service men of the federal government or any ex-members of the Auxiliaries to the armed forces of the United States Government, such persons shall issue such certificates and likewise certified copies of any instrument necessary to prove any fact or to establish any claim of such ex-service men or such members of the Auxiliaries free of any charge. Therefore, you are respectfully advised that it is the opinion of this department, that when certified copies of marriage license and birth certificates or other instruments issued by any County Clerk, District Clerk, or other official in the State, who is required to issue such instruments for the purposes mentioned in Sec. 1 of Art. 1939a, V.A.C.S., must be issued free of charge to ex-service men and ex-members of the Auxiliaries under said statute.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By s/ Ardell Williams
Ardell Williams
Assistant

AWrt:wc

APPROVED JAN 11, 1945
s/ Grover Sellers
ATTORNEY GENERAL OF TEXAS

Approved Opinion Committee By s/BWB chairman.