



**THE ATTORNEY GENERAL
OF TEXAS**

*affirmed By
C-622*

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

August 17, 1961

Mr. Norman W. Barr
County Attorney
San Angelo, Texas

Opinion No. WW-1118

Re: Whether Veterans organizations, such as the American Legion, and Fraternal organizations, such as the Elks Lodge, are exempt from complying with the provisions of H. B. 892, 57th Legislature, Regular Session.

Dear Mr. Barr:

This refers to your inquiry as to whether veteran's organizations such as the American Legion and fraternal organizations such as the Elk's Lodge are exempt from complying with House Bill 892, Acts of the 57th Legislature, Regular Session, Ch. 262, p. 559 (codified in Vernon's Annotated Penal Code as Article 666-15 (8) of the Texas Liquor Control Act).

Section 1A of the subject act provides:

"Provided, however, that nothing in Section 15(e) of Article I of the Texas Liquor Control Act shall apply to Fraternal or Veterans Clubs."

The Act does not define the words "Veterans," "Fraternal" and "Clubs." However, Article 8 of the Texas Penal Code provides:

"Words which have their meaning specially defined shall be understood in that sense, though it be contrary to the usual meaning; and all words used in this code, except where a word, term or phrase is speciall defined, are to be taken and construed in the sense in which they are understood in common language, taking into consideration the context and subject matter relative to which they are employed."

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Webster's International Dictionary, Second Edition, defines "Fraternal" as follows:

"1. Of, pertaining to, or involving brethren, becoming brothers. ";

Among the definitions of the word "brother" in that lexicon is the following:

"4. One related or closely united to another by some common tie or interest, as sovereign rank, profession, membership, in a society. . . ."

In this same work one of the definitions given for the word "Veteran" is as follows:

"1a. One who has had long experience and practice in any service or profession, industry, or art, or originally and commonly in military service; as a veteran of the South Pacific, of the law, or the state. The term has been used variously, as in interpreting military orders and provisions of statutes. The general and popular meaning, however, is one who has seen service, as distinguished from a recruit or a soldier in his first enlistment. b. U. S. statutes. An ex-member of the military or naval service who by length and type of service or degree of disablement, honorable discharge or release, and otherwise, meets statutory requirements precedent to the extension of benefits provided by law for ex-servicemen. "

Bearing in mind the foregoing definitions, it is clear that the American Legion and the Elk's organizations fall within the broad ambit of the phrase "Fraternal or Veterans Clubs. "

Accordingly, it is our opinion that the American Legion and the Elks are organizations which are exempt from the application of the subject Act.

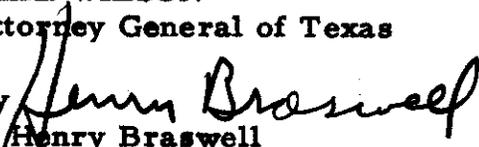
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SUMMARY

The American Legion and the Elks are organizations which are exempt from the application of H. B. 892, Acts of the 57th Legislature, Regular Session, Ch. 262, p. 559, by Section 1a of such Act.

Very truly yours,

WILL WILSON
Attorney General of Texas

By 
Henry Braswell
Assistant

HB:mfh

APPROVED:
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REVIEWED FOR THE ATTORNEY GENERAL
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