



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

April 8, 1957

**WILL WILSON
ATTORNEY GENERAL**

see WW-62

Hon. Paul Brashear, Chairman
Military & Veterans' Affairs
Committee
House of Representatives
Capitol Station
Austin, Texas

Opinion No. WW-85

Re: Whether H.B. 416 would
affect bonds approved
by the Attorney General
under Trust Indenture
of April 1, 1953.

Dear Mr. Brashear:

We quote from your letter dated March 20, 1957,
wherein this opinion is requested:

"Recently I requested information regarding
the effect of H.B. 416, revising the method
of appointment of the Armory Board of Texas.
The requested opinion was whether this pro-
posed change would affect the sale of bonds
by the Armory Board. You . . . granted this
opinion and replied in the negative. * (See
Attorney General Opinion WW-62).

"The question has arisen as to whether this
same bill would affect bonds approved by the
Attorney General's office under trust inden-
ture dated April 1, 1953, some of which have
been sold and the balance will be delivered
in June and September of this year.

* * *

"

*(Parenthetical expression ours)

As you observe, the effect of H.B. 416 is to re-
vise the method of appointment of the members of the Texas
National Guard Armory Board and to substitute certain named

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officers for other officers now serving.

The question is whether these proposed changes affect bonds heretofore approved by this office, but not sold or delivered.

A continuing trust indenture dated April 1, 1953, established the reciprocal and corresponding rights and duties of the parties to past bond issues as well as future ones.

Article One (1) of the indenture gives the meaning of words and phrases used in the instrument and the intent of the parties as to the meaning of their usage therein. Article 1.01(a), Trust Indenture, provides:

"Board" - The Texas National Guard Armory Board, the first party hereto, and any other public body at any time succeeding to the property, rights and obligations of the Texas National Guard Armory Board.
(Emphasis ours)

The board created in H.B. 416 is a public body designated by the Legislature as the Texas National Guard Armory Board and qualifies under Section 1.01(a), supra, and, therefore, would not affect bonds approved or to be considered for approval by this office under said indenture or supplement thereto.

You refer to certain bonds to be delivered in June and September of this year. As to these, you are respectfully advised that until actual delivery to purchaser, they have not been issued and, consequently, Attorney General's Opinion WW-62 to you on March 18, 1957, holding that H.B. 416 would not affect the power of the Board to issue bonds, would be applicable.

SUMMARY

H.B. 416 would not affect bonds approved by the Attorney General's office under

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trust indenture dated April 1, 1953, some of which have been sold and the balance due for delivery in June and September, 1957.

Very truly yours,

WILL WILSON
Attorney General

By 
Grundy Williams
Assistant

GW-s

APPROVED:

OPINION COMMITTEE

H. Grady Chandler, Chairman

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Milton Richardson
Wayland C. Rivers, Jr.