



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

GERALD C. MANN
~~WILLIAM WILSON~~
ATTORNEY GENERAL

March 24, 1939

Hon. Thos. R. Chandler
County Attorney
Robertson County
Franklin, Texas

Dear Sir:

Opinion No. 0-510

Re: Are out of county witnesses en-
titled to fees and expenses for
appearing before a court of in-
quiry investigating a felony case?

Your request for an opinion on the above stated question has been received by this office.

Your letter reads in part as follows:

"A short time ago it was necessary for me to determine whether or not certain purported witnesses were in possession of information that was very important in a felony matter in this County and I requested our Justice of the Peace in the Precinct nearest to this County to hold a court of Inquiry and subpoenaed said witnesses and he issued a subpoena summoning said witnesses before him at that date and said witnesses were summoned by the Sheriff of the adjoining County and said witnesses appearing and testified under oath and their testimony was reduced to writing."

Articles 886 and 887, Code of Criminal Procedure read as follows:

"Art. 886. When a justice of the peace has good cause to believe that an offense has been, or is about to be, committed against the laws of this State, he may summon and examine any witness in relation thereto. If it appears from the statement of any witness that an offense has been committed, the justice shall reduce said statements to writing and cause the same to be sworn to by each witness making the same; and, issue a warrant for the arrest of the offender, the same as if complaint had been made and filed."

Hon. Thos. R. Chandler, March 24, 1939, page 3

0-510

Very truly yours

ATTORNEY GENERAL OF TEXAS

By s/Ardell Williams
Ardell Williams
Assistant

AW:AW:wc

APPROVED:

s/W.F. Moore

ATTORNEY GENERAL OF TEXAS (FIRST ASSISTANT)