



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Mr. F. E. Rightor, Secretary
Texas State Board of Registration for
Professional Engineers
Austin, Texas

Dear Sir:

Opinion No. 0-914
Re: Professional Engineers and
Land Surveyors as witnesses.

We are in receipt of your letter of June 1 in which you ask our opinion as to the relative weight to be given evidence of licensed professional engineers and licensed land surveyors.

An inspection of the statutes relating to professional engineers (Article 3271a, Vernon's Annotated Civil Statutes), and to land surveyors (Articles 5268 to 5305, R. C. S., 1925) fails to reveal where either profession is given preferred standing in our courts.

In the case of McAnninch v. Freeman, 4 S. W. 369, we find the following language:

"The court did not err in refusing to charge the jury, at the request of plaintiffs in error, that the report of the surveyor appointed by the court established prima facie the true location of the surveys in controversy. The report was evidence; but we are of opinion that it was entitled to no more weight than the testimony of a witness who knew the same facts."

See also the case of Kerliek v. Meyer, 19 S. W. 379.

Mr. F. E. Rightor, Page 2

If either a licensed professional engineer or licensed land surveyor should be called as a witness to qualify as an expert, it would not be sufficient to prove only that he belongs to the profession or calling to which the subject matter of the inquiry relates; he must further show possession of special knowledge as to the very question on which he proposes to express an opinion. See 19 Tex. Jur. 72, Par. 47.

The general rules of evidence would control the testimony of either witness and the court or jury is given the province of passing upon the credibility or weight to be given such evidence.

Yours very truly

ATTORNEY GENERAL OF TEXAS

Benjamin Woodall

By

Benjamin Woodall
Assistant



BW:FL

APPROVED JUN 21, 1939

Gerald B. Mann

ATTORNEY GENERAL OF TEXAS