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January 10, 1959

Hon. Joseph Wearden, Chairman
Texas Prison Board
Victoria, Texas

Dear Mr. Wearden:

Opinion No. 0-43
Re: Authority of the Prison Board to permit inspection of its minutes.

Your request for an opinion as to your right to allow an attorney to inspect the minutes of the Prison Board has been received by this office.

In the absence of a specific provision in the statutes concerning inspection of the records of the Board by members of the public, the common law governs. At common law, inspection of public records is permitted, and, in case of abuse of discretion, may be compelled by mandamus, at the instance of a person who has a personal interest in ascertaining matters shown by such records. 36 Tex. Jur. pp. 593-594.

In addition to the common law with reference to such matters, Article 318, Revised Civil Statutes of Texas, 1925, provide as follows:

"Each attorney at law practicing in any court, shall be allowed at all reasonable times to inspect the papers and records relating to any suit or other matter in which he may be interested. ..."

It is the opinion of this Department that the Texas Prison Board, in the exercise of its discretion and under such reasonable rules and regulations as it may prescribe, may permit interested parties to inspect the minutes of the Board.

Yours respectfully,

ATTORNEY GENERAL OF TEXAS

By *R. W. Fairchild*
Assistant

RWF:PBP

APPROVED:

Gerald B. Mann
ATTORNEY GENERAL OF TEXAS

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