



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Mr. John C. Marburger
County Attorney, Fayette County
LaGrange, Texas

Dear Sir:

Opinion No. 0-1274

Re: Is a Justice of the Peace required to hold an inquest over the body of a dead person, when there is one or more living witnesses to the death?

We have your letter of August 12th, requesting an opinion from this Department as to whether an inquest should be held by reason of the death of a white man and a negro who were killed by the same bolt of lightning in the presence of another white person and two other negro men who are living.

Article 968, Code of Criminal Procedure, provides that any Justice of the Peace shall be authorized, and it shall be his duty, to hold inquests without a jury within his county in the following cases:

"2. When any person is killed, or from any cause dies an unnatural death, except under sentence of the law, or in the absence of one or more good witnesses."

Since, under the statement of facts furnished, the white man and the negro were killed by a bolt of lightning in the presence of one living white man and two living negroes, it was not and is not necessary for any inquest to be held, and the Justice of the Peace was not required to hold an inquest. Therefore, the Justice of the Peace is not entitled to any inquest fee.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

George W. Barcus
George W. Barcus
Assistant

APPROVED AUG 18, 1939
GWB:bbp

Gerald C. Mann

ATTORNEY GENERAL OF TEXAS

