

153.

APPROVAL, BONDS OF VILLAGE OF FREDERICKTOWN, KNOX COUNTY, OHIO—\$17,596.14.

COLUMBUS, OHIO, March 7, 1927.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

154.

WITNESS AND MILEAGE FEES IN CRIMINAL CAUSES.

SYLLABUS:

1. *A witness subpoenaed in a criminal cause before the municipal court of Cincinnati is limited to the one witness fee of one dollar per day, and five cents for each mile necessarily traveled from his place of residence to the place of giving such testimony and return, provided the distance be more than one mile, irrespective of how many causes he appears in before said court during the day, unless the court otherwise directs by special order.*

2. *The court may, if it sees fit, allow a witness a witness fee for each appearance before the court on any day provided such appearances are on separate matters.*

COLUMBUS, OHIO, March 8, 1927.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—This will acknowledge receipt of your letters dated February 24th and March 1st, 1927, wherein you inquire:

“When witnesses are subpoenaed to appear in the municipal court of Cincinnati in several cases to be tried on the same day, are such witnesses entitled to a fee and mileage in each case tried? Such witnesses are subpoenaed from points in Hamilton county in each instance.

The question relates to the payment of witness fees and mileage in criminal cases.”

The legislation establishing each municipal court must be examined in order to determine what, if any, special provisions have been made in reference to witness fees in such courts.

Section 1558-1, General Code, provides:

“That hereafter the police court in the city of Cincinnati shall be a court of record and shall be styled “The Municipal Court of Cincinnati, * * * ”

Section 1558-13 (Section 13 of an act which appears in 103 Ohio Laws, 279, which act created the municipal court of Cincinnati) provides:

“In all criminal cases and proceedings the practice and procedure and