# THE ATTORNEY GENERAL

## OF TEXAS

### AUSTIN 11, TEXAS

WAGGONER CARR
ATTORNEY GENERAL

February 23, 1965

Honorable Walter L. Knapp                    Opinion No. C-391
Committee on Judicial Districts
Capitol Building                             Re:  Constitutionality of
Austin, Texas                                     House Bill 343 of the
                                                  59th Legislature.

Dear Mr. Knapp:

You have requested our opinion on the constitutionality
of House Bill 343 of the 59th Legislature, authorizing the 5th
and 102nd Judicial District Courts to sit at any time in Texarkana,
Texas, during each term of said Courts in Bowie County, Texas, to
try, hear and determine any case within its jurisdiction, and to
determine any motion, argument or other matters as may come before
the Courts.

Section 7 of Article V of the Constitution of Texas
provides in part:

"... .The Court /District Court/shall
conduct its proceedings at the county seat
of the county in which the case is pending,
except as otherwise provided by law."
(Emphasis added)

The exception clause above quoted was added by cons-
titutional amendment in 1949. House Joint Resolution No. 22 of
the 51st Legislature. Such amendment authorized the Legislature
to provide that the courts may sit at places other than the county
seat. Wood v. Cox, 251 S.W.2d 798 (Tex.Civ.App. 1952, reversed on
other grounds, 152 Tex. 283, 256 S.W.2d 841).

You are therefore advised that House Bill 343 is cons-
titutional and valid, since its provisions are authorized by the
provisions of Section 7 of Article V of the Constitution of Texas.

## S U M M A R Y

House Bill 343 of the 59th Legislature, authorizing the 5th and 102nd Judicial District Courts to sit in Texarkana, Texas, is constitutional and valid, since its provisions are authorized by the provisions of Section 7 of Article V of the Constitution of Texas.

Yours very truly,

WAGGONER CARR
Attorney General

By: John Reeves
John Reeves
Assistant

JR:ms:mkh

APPROVED:
OPINION COMMITTEE

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APPROVED FOR THE ATTORNEY GENERAL
BY: Stanton Stone