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June 8, 1932

Mr. Sid Smyth  
Deputy State Engineer  
Arizona Highway Department  
Phoenix, Arizona

Dear Sir:

In reply to your letter of the 6th instant relative to the rate of pay for expert witnesses used by the State of Arizona in the case of State vs. Mackey, et ux, I advise you as follows:

It will be noted that the witnesses to whom you refer were called by the State as expert witnesses to testify as to the value of the land sought to be condemned by the State from F. O. Mackey, and while there is no legal rate of pay prescribed for expert witnesses, they may be paid any fee commensurate with the services rendered to the State. I might add that there is no way to compel a person to become an expert witness unless he desires. The appearance of expert witnesses for the State is entirely voluntary.

It is my opinion that \$10.00 a day is not an excessive fee to be paid to expert witnesses who testify on behalf of the State in condemnation proceedings.

I am returning herewith your file in the matter.

Very truly yours,

Attorney General.

By

Assistant Attorney General.

RBS:S  
Encl.