

The process of the courts of Florida cannot extend beyond the territorial limits of the State, and I know of no way whereby a non-resident can be compelled to attend as a witness in a court of this State. Unless a party is legally served with subpoena and appears as a witness, the cost of his attendance cannot be taxed against the county in case of insolvency of the defendant.

The Attorney General is not authorized to officially advise in a case of this kind and, therefore, what is said in this letter cannot be regarded as an official expression from this office.

Yours very truly,

T. F. WEST,

Attorney General.

MUNICIPAL CORPORATIONS, TERMINATION OF.

Tallahassee, Fla., May 2, 1917.

Dear Sir:

Your letter of April 28th has been received and contents carefully noted.

Replying thereto I beg to advise that there are only two methods under our laws for terminating the existence of a municipal corporation, either by proceedings to surrender the franchise under Sections 1102, 1103 and 1104, of the General Statutes, or by act of the legislature abolishing the municipality. When neither of these is done the municipality continues as a corporate entity although in fact it may have become dormant or inactive. Therefore, the town of Longwood will not have to be reincorporated.

Section 1075 of the General Statutes provides for the extension of the territorial limits of a municipality and that method may be followed.

As an alternative and as a means of simplifying the situation, would it not be best for you to have your representatives in the legislature pass a special act abolishing the old and creating a new corporation with the territorial limits desired? !

The Attorney General is not authorized to officially advise in matters of this kind and, therefore, what is said in this letter cannot be regarded as an official expression from this office.

Yours very truly,

T. F. WEST,

Attorney General.

WITNESSES, PAYMENT OF PER DIEM.

Tallahassee, Fla., May 9, 1917.

Dear Sir:

Replying to your inquiry of May 5th, I beg to advise, first, that by Section 1512 of the General Statutes as amended in 1915 the per diem of witnesses is fixed at \$1 instead of \$3.

Under the provisions of Article XVI, Section 9, of the Constitution and Chapter 5131, of the Laws of Florida, approved June 2, 1903, and under the authority of the case of DeSoto County Commissioners v. Howell, 40 So. 193, it is my opinion that the per diem and mileage of witnesses, both for the State and the defendant, in a case before a committing magistrate where the defendant is discharged, should be paid by the county subject to the restrictions and regulations imposed by law. If the defendant who is discharged has paid his witnesses the per diem and mileage allowed them by law, he can recover the same from the county. I think it necessarily follows