

STATE APPROPRIATIONS, FOR CONTINGENT EXPENSES NOT TO BE USED FOR CLERK HIRE.

Tallahassee, Fla., February 28, 1917.

*Honorable Ernest Amos, Comptroller,  
Tallahassee, Florida.*

Dear Sir:

Yours of the 19th instant has been received.

I note your inquiry as follows:

"Section 4, of Chapter 6820, Laws of Florida, contains an inhibition against the payment of clerk hire or clerical assistance out of the contingent fund of any Department of the State government. Please give me your opinion as to whether I may lawfully draw a warrant on the contingent fund appropriated under said Act for any Department in payment of a bill which has been duly approved by the head of the Department which appears to be for clerk hire or clerical assistance employed by and rendered such Department?"

"Also please give me your advice as to whether a bill for labor, in performing necessary work in any of the Departments, would fall within the inhibition mentioned above?"

The statute on the subject is Section 4, of Chapter 6820, Acts of 1915, the general appropriation act passed at that session of the Legislature, which reads as follows:

"All moneys appropriated under head of Contingent or Incidental Expenses shall be accounted for to the next Legislature in an itemized statement from each official having charge of any such fund, and no clerk or clerical assistance shall be employed by any State officer and paid out of the Contingent Fund appropriation for Contingent Expenses."

You will note that this statute expressly forbids the

use by any State officer of the appropriations for contingent expenses for clerk hire or clerical assistance.

There is, however, nothing in the statute forbidding the use of funds of this kind for labor in the performance of necessary work in any of the departments for which these appropriations are made.

Respectfully submitted,

T. F. WEST,

Attorney General.

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ADJUTANT GENERAL—HOLDS OFFICE AT PLEASURE OF GOVERNOR.

Tallahassee, Fla., March 31, 1917.

*Honorable Ernest Amos, Comptroller,  
Tallahassee, Florida,*

Dear Sir:

Yours of the 22d instant has been received.

I note your inquiry as follows:

"A short time ago I handed you copy of a letter received from General J. Clifford R. Foster, notifying me of his intention to make claim for the salary of the Adjutant General.

"You understand that General J. B. Christian has been commissioned by the Governor as Adjutant General of the State of Florida, and is now acting in that capacity.

"Anticipating that requisition will be made upon me by both these gentlemen for the salary provided by law for the payment of the Adjutant General of this State, I would thank you to advise me as to whose requisition I should honor for this salary, and to which of these gentlemen should I draw a warrant in payment of same under the Constitution and Laws of this State."