

OFFICIAL OPINIONS

FOR THE YEARS 1917 AND 1918.

Opinions to the Governor

OFFICE—VACATING BY REMOVING FROM DISTRICT.

Tallahassee, Fla., January 17, 1917.

*Honorable Sidney J. Catts, Governor,
Capitol.*

Dear Sir:—

Yours of the 15th instant has been received.

I note your inquiry as follows:

"Please find attached hereto letter from Mr. E. C. Welch of Cottondale in reference to Mr. L. J. Cumbaa who was recently elected Justice of Peace in District No. 15 of Jackson County. As you will see from this letter Mr. Cumbaa does not actually reside in this district.

"This office also has communication from the Clerk's office of Jackson County giving the facts about the same as mentioned in the letter from Mr. Welch. Please advise whether or not Mr. Cumbaa is eligible to the office to which he was elected in District No. 15."

It appears from the letter from Mr. Welch that the question involved is whether or not one who is not an inhabitant or resident of a justice of the peace district in a county in this State is eligible to the office of justice of the peace for such district.

By the fourth paragraph of Section 298 of the General Statutes of Florida it is provided that every office in this State shall be deemed vacant in cases where the incumbent ceases to be an *inhabitant* of the State, district, county, town or city for which he shall have been elected or appointed.

In this case it appears that Mr. Cumbaa's home is outside of the district in which he was elected and that he is in fact an inhabitant of another district.

In this situation he is, in my opinion, under the law, not eligible to the office, and the fact that his store and place of business are in the district does not change this result.

The correctness of this conclusion will be conceded, I think, when it is recalled that it is partially universally held that in the cities in this State where one's place of business may be in one justice of the peace district or election precinct and his home and residence in another he is an inhabitant or resident of the district or precinct in which his home is located.

Yours, very truly,

T. F. WEST,

Attorney General.

COUNTY FUNDS FOR MUNICIPAL PURPOSES.

Tallahassee, Fla., February 24, 1917.

*Honorable Sidney J. Catts, Governor,
Tallahassee, Florida.*

Dear Sir:

Yours of this date has been received.

I note your inquiry as follows:

"It is reported that the County Commissioners of Mon-

roe County have an organized Fire Department of Key West that is maintained by the County of Monroe; the County Commissioners are appropriating the moneys necessary for the same.

"Kindly advise whether in your opinion the County Commissioners of that County have the law to appropriate money for the same.

"The report is that this Fire Company is actually maintained by the County is actually used for the protection of the property in the City of Key West.

There is, in my opinion, no authority for the appropriation and expenditure from the public funds of Monroe of the amount necessary for the maintenance of the fire department or company of Key West.

Respectfully submitted,

RECORD BOOKS—LOOSELEAF

Tallahassee,

*Honorable Sidney J. Catts, Governor,
Tallahassee, Florida.*

Dear Sir:

Yours of the 5 instant has been received.

I note your inquiry and the letter of Mr. Esquire, of Jacksonville, relative to the use of Clerks of the Circuit Court of this State to use loose leaf record books.