

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."

The law of this State on this subject is Section 16 of Article IV of the Constitution, which reads as follows:

"The Governor shall appoint all commissioned officers of the State Militia, *including an adjutant general* for the State, with rank of brigadier general, who shall be chief of staff. The duties and compensation of all officers so appointed shall be as fixed by law. The terms of office of all commissioned officers of the organized militia shall be continuous during the pleasure of the Governor; subject to such laws as may be enacted by the Legislature providing for their retirement for age or other causes."

It will be noted that the terms of office of the officers affected by this constitutional provision, including the office of Adjutant General, are "during the pleasure of the Governor."

The commission held by Honorable J. C. R. Foster, authorizing him to hold the office of Adjutant General *at the pleasure of the Governor*, and the appointment of Honorable J. B. Christian to this office and the issuing of a commission to him, brought to an end the term for which his predecessor, Honorable J. C. R. Foster, held the office, this act on the part of the Governor being inconsistent with any other conclusion than that it was his intention to terminate the right of the then incumbent to hold and exercise the powers and perform the duties of this office.

In this situation you will, in my opinion, be warranted in recognizing Honorable J. B. Christian as Adjutant General of this State and in issuing your warrant as Comptroller upon the State Treasurer payable to him for the salary of this office as provided by law, commencing from the date of the commission issued to him.

Respectfully submitted,

T. F. WEST,  
Attorney General.