

termining such amounts the taxable assessment and the needs of the district should be the first considerations.

Yours very truly,

T. F. WEST,
Attorney General.

SHERIFFS MILEAGE.

Tallahassee, Fla., February 9, 1917.

My dear Sir:

Yours of the 7th instant has been received. I note your inquiry as follows:

"Please settle controversy by answering the following questions or problems:

"1. Sheriff leaves court house in Florida and travels forty miles to State line and fifteen miles into Alabama to point indicated on map, where he arrests prisoner and carries him back to court house in Florida. How much mileage is he entitled to?

"2. Sheriff leaves court house and travels thirty miles to point indicated, and arrests two prisoners and carries them back to court house. How much mileage is he entitled to?

"A plain answer to these two problems, in figures, will be very much appreciated. Kindly return this sheet with your reply, and greatly oblige."

I will answer your questions in the order stated.

1. When the sheriff of any county of this State goes beyond the limits of the State to bring back a prisoner, he is paid the sum of five cents per mile for the actual distance traveled from the court house of the county to the point where the prisoner is taken into custody. This compensation is fixed by Chapter 5407 of the Acts of 1915.

2. If the sheriff makes only one trip, the fact that he arrests more than one prisoner on the trip does not, in my opinion, authorize a charge against the county for more than one trip. Under Section 1684 of the General Statutes arresting officers are prohibited from charging constructive mileage against the county, and under Section 4065 of the General Statutes sheriffs are required, in presenting bills covering mileage, to certify that no constructive mileage is charged therein.

The Attorney General is not authorized to officially advise county officers and, therefore, this letter cannot be regarded as an official expression from this office, but only as representing my views as an attorney on the questions about which you inquire.

As requested I am returning herewith the diagram which accompanied your letter.

Yours very truly,

T. F. WEST,

Attorney General.

BOARD OF PUBLIC INSTRUCTION MAY ISSUE DUE BILLS.

Tallahassee, Fla., February 10, 1917.

My Dear Sir:

Yours of the 7th instant has been received and noted.

There seems to be no legal objection to the issuance of obligations in the nature of due bills by a board of public instruction for the purpose of taking care temporarily of expenses necessarily incurred by such board, provided, of course, such obligations are kept within the budget of expenses previously prepared by the board as required by law, but, in view of the legislation on this subject generally, passed at the last session of the leg-