

and is serving on the board. Will you kindly advise me your views on this matter at your earliest convenience."

The statute on this subject is Section 298 of the General Statutes of 1906, and that portion of this statute applicable to this case reads as follows:

"Every office shall be deemed vacant in the following cases:

"4. By his ceasing to be an inhabitant of the State, District, *county*, town or city for which he shall have been elected or appointed."

In Black's Law Dictionary an inhabitant is defined as "one who resides actually and permanently in a given place and has his domicile there."

If the County Commissioner referred to has actually removed from the county and permanently established his residence elsewhere, I think it would be held that he has vacated the office. But if he is only temporarily out of the county and has no intention of establishing a residence elsewhere but has at all times a bona fide intention of returning and continuing his residence in your county, it would probably be held that the office has not been vacated.

Yours very truly,

T. F. WEST,

Attorney General.

LEGALITY OF ASSISTANT POSTMASTER TO HOLD
OFFICE OF JUSTICE OF THE PEACE.

Tallahassee, Fla., October 10, 1916.

My dear Sir:

I have your communication of October 9 and in reply beg to advise that the subject-matter of your inquiry appears to be fully covered in Section 15 of Article XVI of the Constitution of Florida, which reads as follows:

"No person holding or exercising the functions of any

office under any foreign government, under the government of the United States, or any other State shall hold any office of honor or profit under the government of this State; and no person shall hold or perform the functions of, more than one office under the government of this State at the same time."

In view of the provision of the Constitution as above quoted and in view of the fact that justices of the peace are officers under the Constitution of this State and that assistant postmasters are officers appointed by the Post-office Department of the United States, it appears that the same person could not hold nor exercise the duties of such offices at one and the same time.

The Attorney General is not authorized to officially advise in matters of this kind. This is merely to assist you in arriving at a proper conclusion in the premises which I shall take pleasure in doing at any time.

Yours very truly,

T. F. WEST,

Attorney General.

TERRITORIAL JURISDICTION OF A JUSTICE OF THE PEACE.

Tallahassee, Fla., November 4, 1916.

My dear Sir:

Yours of the 2d inst. has been received and noted.

As a general proposition, the territorial jurisdiction of a Justice of the Peace is limited by the boundaries of his district, and he is not authorized to try cases arising outside of his district. There is an exception to this, how-