

COUNTY NOT AUTHORIZED TO OFFER REWARDS
FOR ESCAPED CONVICTS, OR FOR CONVICTS
FOR VIOLATIONS OF LOCAL OPTION LAW.

Tallahassee, Fla., July 14, 1916.

My dear Sir:

Yours of the 14 instant has been received and noted.

There is no law that I know of authorizing counties to expend public moneys on account of rewards for the capture of escaped county convicts or for the conviction of parties engaging in the sale of liquors in dry counties in this State. I appreciate the fact that it is some times desirable and, as a matter of policy, perhaps advisable, to pay rewards in cases of this kind, but, as you understand, public moneys cannot be expended for any purposes other than those authorized by statute, and, as I say, there is no statute that I recall now authorizing expenditures of this kind.

The Attorney General is not authorized to officially advise in a case of this kind and, therefore, what is stated in this letter cannot be regarded as an official expression from this office.

Yours very truly,

T. F. WEST,

Attorney General.

COUNTY COMMISSIONER VACATES OFFICE BY
MOVING FROM COUNTY OR DISTRICT.

Tallahassee, Fla., August 19, 1916.

My dear Sir:

Yours of the 17 instant has been received. I note your inquiry as follows:

"One of the members of our board has moved out of the County but still claims this County for his citizenship

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