

the expression is generally understood, he is liable for the license tax, and the fact that he may be engaged in the government service does not exempt him. On the other hand, if he is not so engaged but is exclusively engaged in the government service as a physician, he is not liable for the tax.

Respectfully submitted,

T. F. WEST,

Attorney General.

LOCAL STATUTES—PUBLICATION OF NOTICE OF
INTENTION TO APPLY FOR PASSAGE.

Tallahassee, Fla., April 14, 1917.

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

Dear Sir:—

Yours of the 12 instant has been received.

I note the copy of the communication from Honorable L. S. Light, Representative of Marion County in the House of Representatives of this State, relative to the question of the passage of local laws by the Legislature without notice of the intention to apply therefor having first been given as required by the Constitution of this State, and your inquiry relative to this matter.

The constitutional provision on this subject is Section 21 of Article III, reading as follows:

“In all cases enumerated in the preceding section all laws shall be general and of uniform operation throughout the State, but in all cases not enumerated or excepted in that section, the Legislature may pass special or local laws: Provider, That no local or special bill shall be

passed, unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least sixty days prior to the introduction into the Legislature of such bill, and in the manner to be provided by law. The evidence that such notice has been published shall be established in the legislature before such bill shall be passed."

In the case of *Stockton v. Powel*, 29 Fla. 1, the court held that the question of whether or not the notice required by this constitutional provision has been given is purely a legislative function and that, when such acts were passed by the Legislature, the courts would assume that the required notice had been given. In discussing this question the court, at pp. 54, 55. said:

"The obligation resting upon the legislative department of the government to conform to the requirements of this provision of the Constitution, and to the statute law enforcing the same, cannot be questioned. No local or special bill within the purview of the proviso of this section of the organic law should be passed except and until notice of the intention to apply for the passage of the same has been given in the manner contemplated by the Constitution and authorized legislation thereunder, nor is it ever to be presumed that any branch of the legislative department will give its sanction to any such local or special legislation until legal and satisfactory evidence that such notice has been published shall be 'established in the Legislature.' This feature of the fundamental law is as binding upon the conscience of those entrusted with the legislative function of the government as is any other part of the Constitution, but this truth is by no means conclusive that power has been given the judiciary to sit in judgment upon the performance of the duty thus imposed upon a co-ordinate branch of the government. No such power has been given to the judi-

ciary. To decide whether or not the notice has been given, is a legislative function, not only in its nature, but as a result of the provision that 'evidence that such notice has been published shall be established in the Legislature before such bill shall be passed,' which provision, as excluding any interference in the matter by the judiciary, supplements the inhibition pronounced by the Second Article of the Constitution that no person properly belonging to one of the departments of the government shall exercise any power appertaining to either of the others, except in cases expressly provided for by that instrument."

Inasmuch as the determination of whether or not the required notice has been given is purely a legislative function, it would hardly, in my opinion, be held to be the duty of the Governor of the State to make inquiry in reference to the matter, since the Legislature is an independent, co-ordinate branch of the State government, and the Governor of the State has no power to control its action or to require that it pursue any particular course in regard to this or any other matter which is presented for its consideration.

Respectfully submitted,

T. F. WEST,

Attorney General.

TITLE TO LANDS BORDERING ON LAKE OKEECHOBEE FROM WHICH WATER HAS RECEDED.

Tallahassee, Fla., April 17, 1917.

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

Dear Sir:

Yours of the 16 instant has been received and noted.

I note also the letter attached thereto from Charles A.