

view the above statutes and the service performed by the sheriff. However, it would seem reasonable at least for the county to pay the actual, necessary expenses incurred by the sheriff and the three commissioners to and from Tallahassee.

I note that you suggest that these men were discharged in Tallahassee, but the order of the court shows that they were not legally discharged from custody until some days after their return to Columbia County.

You are no doubt aware that this office has no authority to officially advise in matters of this kind. However, in several instances where it was thought suggestions would aid in reaching an equitable adjustment of matters, we have directed attention to certain applicable provisions of our statutes.

Hoping this may assist you in arriving at a proper conclusion of the matter, I remain,

Yours very truly,

T. F. WEST,

Attorney General.

INSPECTORS OF MARKS AND BRANDS AND CONSTABLES OFFICERS.

Tallahassee, Fla., June 29, 1917.

Gentlemen:

I have your communication of June 23d and in reply beg to advise that inspectors of marks and brands in this State are appointed by the Governor on recommendation of the board of county commissioners and are commissioned for four years and have prescribed duties and compensations.

Constables are elected by the people and are commissioned and have certain duties and compensations prescribed.

It therefore appears that both positions are offices and could not be held by one and the same person at the same time, as Section 15, of Article XVI, of the Constitution would thereby be violated.

With kind personal regards,

Yours very truly,

T. F. WEST,

Attorney General.

JUSTICES OF THE PEACE, WHEN MAY ISSUE WARRANTS FOR PERSON IN DISTRICT.

Tallahassee, Fla., July 5, 1917.

Dear Sir:

Your letter was duly received some time ago but under the pressure of official business answer has been delayed until now.

It seems that you desire to know if a justice of the peace can issue a warrant for a person in another justice's district where the latter justice is not qualified or is unable to try the case.

Replying to above will advise that Section 3900 of the General Statutes seems to cover your case. It is there provided that "In case a justice of the peace be disqualified or unable from any cause to try any criminal case, the same may be tried before any other justice of the peace of the county, or before the county judge."

The above would necessarily carry with it the authority to issue warrants and other process.

Yours very truly,

T. F. WEST,

Attorney General.