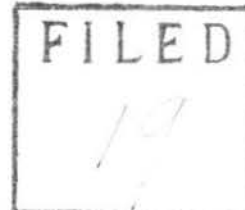


Power of the Missouri Commissioner of Labor to appoint a Federal Investigator. ✓

Ac. 13173 RS Mo 1929

May 11, 1933



Mrs. Mary Edna Cruzen,
Commissioner,
Labor and Industrial Inspection Dept.,
Jefferson City, Missouri.

Dear Mrs. Cruzen:

This day we received your request which was in the following words and figures, to-wit:

"Please inform this Department, at your earliest convenience, if it is within the power of the Commissioner of Labor and Industrial Inspection in the State of Missouri to delegate authority by appointing a Federal investigator from the Federal Department of Labor, to make personal investigations of the different industrial pay-rolls of the State."

Section 13173 R. S. Mo. 1929, provides:

"Subordinate Officials, Assistants and Helpers--How Appointed.--
The commissioner of labor and industrial inspection is hereby empowered, subject to the approval of the governor, to appoint the following subordinate officials, assistants and helpers, to-wit: Two deputy commissioners of labor and industrial inspection, who shall be in charge of the branch offices of the department; one chief clerk, who shall be a competent bookkeeper and shall have supervision, under the direction of the commissioner, of the principal office of said department at Jefferson City, and shall perform such other duties as the commissioner may require; also one statistician, and such inspectors, not exceeding eleven as may be necessary

Mrs. Mary Edna Cruzen.

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May 11, 1933

to carry on the inspection work
of the consolidated department;
four stenographers, and one janitor
for the principal office at Jefferson
City."

It is the opinion of this office that the Commissioner of Labor and Industrial Inspection in Missouri, has only such power in said office as provided by the statutes in making all appointments to subordinate officials. Said power is set out in the above statute quoted, and neither expressly nor by reasonable implication can it be interpreted to mean that one holding the office of investigator in the Federal Department of Labor may also hold the office of inspector with the Labor and Industrial Inspection Department of Missouri. Such a forced construction of the statute would sanction what the legislature did not intend and also would allow a condition of one person holding two public offices which is against the public policy of this State.

Respectfully submitted,

WIL. ORR SAWYERS,
Assistant Attorney General.

APPROVED _____
Attorney General.

WOS:MM