

Beer & Gill - Successor to Food and Drug Commissioner
✓
y.v. "

June 30, 1933

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Hon. Richard R. Macy
State Treasurer
Jefferson City, Missouri

Dear Sir:

This Department is herewith replying to your oral request for an opinion on the following question:

"House Bill No. 23 provides for the Food and Drug Commissioner signing various kinds of permits issued under said bill. That office is no longer in existence or will not be on July 24th and I would like to know which officer if any will succeed to the duties of said office after it is discontinued."

The office of Food and Drug Commissioner was not created by the Constitution but by the Legislature and the Legislature can abolish same and transfer powers and duties to the Commissioner of Health as has been done by Senate Bill No. 16, a copy of which is attached hereto.

State ex inf. Crow v. Evans
166 Mo. 347
State ex rel Atty. Gen. v. Davis
44 Mo. 129
State ex rel v. Coon
316 Mo. l.c. 541

In England officers are considered incorporeal hereditaments grantable by the crown and a subject of vested or private interests. Not so in the United States; They are not held by grant or contract nor has any person a private property or vested interest in them and

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they are therefore liable to such modifications and changes as the law making powers may deem it advisable to enact.

In the present case the Health Commissioner will perform duties and exercise powers heretofore devolving on Food and Drug Commissioner.

Yours very truly,

EDWARD C. CROW.
Assistant Attorney General.

APPROVED:

ROY McKITTRICK
Attorney General.

ECC:SW