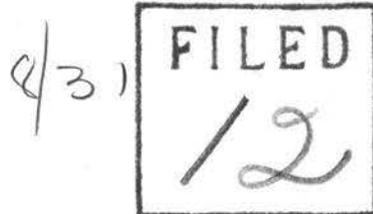


CONFEDERATE HOME- : Board of Trustees of Confederate  
CARETAKER AND : Home at Higginsville may employ  
ASSISTANTS. : caretaker and assistants.

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August 30, 1943

Honorable A. T. Broughton  
President, Board of Trustees  
Confederate Soldiers Home  
Higginsville, Missouri



Dear Sir:

This is in reply to yours of recent date on the question of whether or not the Board can employ a caretaker and his assistants at the Home.

The rule on the authority of the Board to perform certain acts, is that it must look to the statute for its authority.

Sec. 15130 R. S. 1939, confers authority on the Board to employ various employees. Said section provides in part as follows:

\*\*\*Said board of trustees shall \*\*\*  
also provide for a superintendent  
who shall be a descendant of a soldier  
or a sailor who shall have served in the  
army or navy of the Confederate States  
of America, and for other necessary  
employees.\*\*\* "

The appropriation for the Home was made in Sec. 33, of House Bill 419, of the 62nd General Assembly.

Under the heading of "Personal Service" in this bill, there has been appropriated \$15,000.00 for caretaker and his assistants.

It would be a question of fact who are assistants to the caretaker.

By Senate Bill 178, the Board of Trustees is abolished and its powers and duties are transferred to the Eleemosynary Board. This Bill goes into effect ninety (90) days after adjournment. So the Board will function until that date, even though no appropriation is made for the Board's compensation. However, the caretaker and his assistants may be paid under the appropriation.

Honorable A. T. Broughton -<sup>2</sup>~~1~~-

August 30, 1943

C O N C L U S I O N

It is therefore the opinion of this department that the Board may employ a caretaker and his assistants and pay their salaries therefor out of the appropriation made under Sec. 33 of House Bill 419, until ninety (90) days after adjournment of the 62nd General Assembly, which will be November 22, 1943.

Respectfully submitted,

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TYRE W. BURTON  
Assistant Attorney General

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APPROVED

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ROY McKITTRICK  
Attorney General