

Opinion No. 6**Public Officers—Compatibility of
Offices.**

HELD: Two offices or positions of employment which are not inconsistent or incompatible may, in the absence of any prohibition in the constitution or statute, be held by the same person.

January 10, 1933.

In your letter of January 7, you have requested my opinion as to whether you would have the right to depute the inspector employed by the Regional Agriculture Credit Corporation, to inspect grain in storage under the farm storage act, and to seal such grain as he may accept for loans by using the state's seal provided for this purpose. You state that it is not the purpose of such inspector to perform all of the duties of the inspector as specified in the farm storage act, nor to receive the compensation provided in said act, but that he desires principally to seal said grain by using the state seal.

You are advised that we are unable, after a careful search, to find anything in the federal or state constitutions, or the federal or state statutes forbidding you to make such appointment, nor do we find any inconsistency or incompatibility in the functions of the deputy of the Regional Agriculture Credit Corporation, with that of a deputy grain inspector under the farm storage act. It is our opinion, therefore, that you have the right to make such appointment. See Opinions of Attorney General, Volume 1, page 67; Volume 2, page 13; Volume 4, page 32; Volume 5, page 57.

The common law rule is stated in 46 C. J. p. 941, section 46, as follows: "At common law the holding of one office does not of itself disqualify the incumbent from holding another office at the same time, provided there is no inconsistency in the functions of the two officers in question. But where the functions of two offices are inconsistent, they are regarded as incompatible."