

**National Guard, Allowance For. Inspection of National Guard.
State Board of Examiners, Allowance National Guard
Made For.**

A military organization mustered in after the last State Inspection, and not inspected prior to the 30th of May, is not entitled to any portion of the annual appropriation for company expenses for the current year.

Helena, Montana, June 5th, 1906.

Hon. Joseph K. Toole, Governor, Helena, Montana.

Dear Sir: Pursuant to your request for an opinion of this office as to "Whether a company of the National Guard mustered in after the last State Inspection is, under the law, entitled to its quota of the annual appropriation for company expenses for the current year", we respectfully submit the following:

Section 35 of the Act of March 9, 1897, relating to the National Guard, Laws of 1897, page 149, provides in substance that the National Guard shall be inspected between the 1st day of April and the 30th day of May in each year; that this inspection shall be made by an officer detailed by the Governor; that the inspecting officer shall notify the respective organizations of the time and place when they shall assemble for such inspection. The Inspecting Officer shall make a report to the Adjutant General and the Adjutant General, after examination of this report shall also report to the State Board of Examiners with reference to the standing of each organization, and the State Board of Examiners shall then allow to each company which "is fully up to the standard required" the sum of \$400, etc.

It is apparent from this law that the allowance made by the State Board of Examiners is based upon the report made by the Adjutant General and that the report of the Adjutant General is based upon the report of the Inspecting Officer which is based upon the inspection made by him between the 1st of April and the 30th of May of each year. Companies and organizations coming into existence after this inspection cannot be mentioned in such reports as "fully up to the required standard of numbers, discipline and efficiency," and the State Board of Examiners have, therefore, no authority to make the allowance, for this allowance is based upon information given to the Board by these reports.

Very truly yours,

ALBERT J. GALEN,
Attorney General.