

**State Inspector of Mines, Constitutionality of Law Prescribing Qualifications Of.**

It is within the province of the legislative assembly to enact a constitutional law providing for the qualifications of candidates for election to the office of Inspector of Quartz Mines, and prescribing the method of determining such qualification.

Helena, Mont., Jan. 31, 1907.

Committee on Mines & Mining,  
House of Representatives,  
Helena, Montana.

Gentlemen:—

I am in receipt of the resolution presented me by your sub-committee requesting an opinion from this office as to whether a constitutional law can be enacted providing for the election of an Inspector of Quartz Mines, such law to include a provision for a Board of Examiners to be appointed by the Governor, to enquire into the qualifications of candidates for election to said office of Inspector of Quartz Mines, and to provide for the qualifications of such candidates.

I must answer your enquiry in the affirmative for the reason that your power and authority, as legislators, is boundless and fathomless, except in so far as limited by the Federal Constitution, United States Statutes or the State Constitution. Our State Constitution, by section 12 of Article 9, provides.

“Any person qualified to vote at general elections and for state officers in this state shall be eligible to hold any office therein except as otherwise provided in this constitution and subject to such additional qualifications as may be prescribed by the legislative assembly for said offices and offices hereafter created.”

The office of Inspector of Quartz Mines is an office created subsequent to the adoption of the constitution, and it is within your province

to in any way regulate the qualifications of the person who shall be a candidate for, or elected to such office, and you may properly prescribe any reasonable method for determining in advance of the election whether or not such person is entirely qualified.

Yours respectfully,

ALBERT J. GALEN,

Attorney General.