

**State Boiler Inspector, Power of. Inspection, of Boilers, Engines. Traction Engines, Inspection of.**

Law makes it the duty of state boiler inspector to inspect boilers of traction engines propelled by gas or oil, but if special apparatus is necessary to such inspection, and no means provided for obtaining same, then inspection cannot be made. Cost of such apparatus is a proper charge against expense account of the office if funds are sufficient to permit their use for that purpose.

February 3rd, 1914.

Hon. Percy L. Brown,  
State Boiler Inspector,  
Helena, Montana.

Dear Sir:

I am in receipt of your letter making inquiry:

“As to your power and authority to purchase necessary apparatus for carrying into effect the provisions of Chap. 125, Laws of 1913, relative to the inspection of traction engines, propelled by gas or oil.”

The provisions of this chapter make it a part of your duty to make such inspection, and the purchase of the necessary machinery and apparatus for carrying into effect this provision of law is a legitimate charge against your expense account, but if your expense account will not permit the purchase of such necessary apparatus, and you cannot make the inspection without the same or obtain it in some other manner, then the law must remain inoperative, because there is no means of executing its mandates.

Yours very truly,

D. M. KELLY,  
Attorney General.