

**Opinion No. 36-1275**

January 17, 1936

**BY:** FRANK H. PATTON, Attorney General

**TO:** Mr. Warren Bracewell, State Inspector of Mines, 512 West Marquette,  
Albuquerque, New Mexico.

{\*96} Your letter dated January 14, 1936, is hereby acknowledged. You ask our opinion regarding the following question:

"Does the State Inspector of Mines have jurisdiction and may he apply the New Mexico State Mining Law to coal mines owned and operated by the Federal Government on Indian Reservations?"

12 C.J. at Page 928, Section 440, provides:

"The federal government, therefore, is paramount within the scope of powers conferred on it by the constitution; and a state statute enacted in pursuance of the police power is void \* \* \* if it constitutes an interference with matters that are within the exclusive scope of federal power."

Therefore, it is our opinion that your question must be answered in the negative.

By EDWARD P. CHASE,

Asst. Atty. General