

Stallions, Not Permitted to Run at Large. Same, Registration Board, Act Does Not Apply to Stallions Upon Open Range.

Sections 8836, revised codes, makes it a misdemeanor for any person to allow a stallion to run at large. This law is not repealed by section 15, chapter 108, session laws of 1909, as said last named chapter clearly excepts from its provisions stallions turned upon the public range.

Helena, Montana, March 15, 1910.

Prof. R. W. Clark,
Bozeman, Montana.

Dear Sir:

I am in receipt of your letter of March 14, wherein you ask my advice

as to whether or not it is unlawful to allow stallions to run upon the public range; and, if so, whether that makes section 15, chapter 108, laws of 1909, inoperative.

Section 8836, revised codes, provides that any person who owns a stud horse, ridgeling or unaltered male or mule or jackass over the age of eighteen months, and allows the same to run at large, is punishable by a fine not exceeding fifty dollars, and, further that any person may take up any such animal and if the same is not claimed in five days may castrate him at the expense of the owner.

Section 15, of chapter 108, session laws, of 1909, provides that no part of chapter 108 shall apply to stallions turned upon the open range. The entire purport of this chapter looks to the physical examination and breeding of horses whose services are offered to the public as sires, and providing for the protection of that portion of the public which avails itself of such services.

Section 15 of the act especially exempts stallions turned upon the open range from all the provisions of the act, and also defines the term "standing for public service." So that I think there is no conflict between chapter 108, session laws of 1909, and section 8836, revised codes, as the class of horses mentioned in section 8836 are especially exempted from the provisions of chapter 108, session laws of 1909.

You are advised that the penalty provided by section 8836 may be enforced against persons allowing stallions to run at large.

Very truly yours,

ALBERT J. GALEN,

Attorney General.