Stock Commissioners, Authority to Assist in Prosecution. Prosecutions, Authority of Stock Commissioners to Assist.

Under the provisions of Sec. 1787, Revised Codes, should the state board of stock commissioners deem it necessary for the protection of the rights and interests of stock owners, they may assist by the employment of special counsel in the prosecution of crimes growing out of a violation of the stock law.

March 7, 1912.

D. W. Raymond, Esq.,
Sec'y, State Board Stock Commissioners,
Helena, Montana.

Dear Sir:

I acknowledge receipt of your letter of the 1st inst., in which you ask as to the authority of the state board of stock commissioners to

assist in the prosecution of a perjury case and a murder case, each of which grew out of a violation of the laws of this state relative to the live stock industry.

Sec. 1787, Revised Codes, prescribes the duty of the state board of stock commissioners and authorizes said board:

> "To assist in the prosecution of any person guilty of any offense against the laws of this state in feloniously branding or stealing any stock, or any other crime, or misdemeanor, under any of the laws of the state for the protection of the rights and interests of stock owners, * * * * *"

and Sec. 1788, provides for the auditing of bills incurred under provisions of the preceding section and for their payment out of the stock inspection and detective fund.

It is my opinion that Section 1787 gives to the board of stock commissioners a discretion in determining what is for the protection of the rights and interests of the stock owners of the state and it is my opinion that if the board of stock commissioners should in the exercise of its discretion determine that to assist in the prosecution of the two cases mentioned in your letter would be for the protection of the rights and interests of the stock owners of the state, that they would have authority so to do, and the charge and expense for such assistance may properly be audited by it and payment had out of the stock inspection and detective fund.

Yours very truly,

ALBERT J. GALEN,

Attorney General.