

**Stallions, Imported for Breeding Purposes.**

Persons importing stallions or jacks into Montana to sell to parties who intend to breed such animals are importers for breeding purposes, and must procure a certificate provided for by section 6, chapter 108, laws of 1909.

Helena, Montana, September 17, 1909.

Prof. R. W. Clark,

Secretary and Executive Officer, Stallion Registration Board,  
Bozeman, Montana.

Dear Sir:

I am in receipt of your letter of September 10, requesting an opinion on the following question:

A party shipped stallions into this state without complying with section 6, of chapter 108, laws of 1909, and claimed that said section does not apply to stallions so shipped by him, for the reason that he shipped the same here for sale and not for breeding purposes; that is, that he does not intend to breed the stallions but merely to sell them to residents of this state to use for such purposes.

In our opinion such construction of the law is erroneous. If stallions are shipped to Montana to sell to persons for use in breeding mares in this state, they are certainly shipped here "for breeding purposes." They are certainly not shipped here for any other purpose under such circumstances. Said section 6 does not state that every person importing stallions into the state for breeding purposes (by himself, or who personally intends to breed such stallions), must first procure a certificate, and we have no authority to read such words into such section. This law uses a different term for defining the person who actually breeds the stallion; namely, "standing for public service." But the party shipping these stallions endeavors to construe the words "for breeding purposes," as synonymous with the words "standing for public services."

To construe the law to mean that a person could import stallions to sell for breeding purposes without procuring such a certificate, and thus be enabled to sell diseased horses which the purchaser would be unable to procure a license for in order to stand the same for public service, would be absurd, and in effect defeat the plain intention and purposes of this law.

You are therefore advised that in our opinion every person, firm or company importing stallions or jacks into the state to sell to persons who intend to use the same for breeding purposes must comply with the provisions of said section 6, as he has shipped such horses into the state for breeding purposes."

Very truly yours,

ALBERT J. GALEN,

Attorney General.