

Stallion Law, Enforcement of.

Diseased stallions brought into the state cannot stand for public service. The fees paid into the stallion board may properly be used for the purpose of warning prospective purchasers of the diseased condition of stallions.

Helena, Montana, December 18, 1909.

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

Dear Sir:—

I am in receipt of your letter of December 9, making inquiry as to whether or not the parties who entered a plea of guilty and were fined for not notifying your office of the shipment of certain stallions can be prosecuted on another charge. Second, whether they can be forced to take these horses out of the state. Third, whether the railroad can be forced to carry them out.

The parties who brought these stallions into the state are not now liable, under the stallion law passed by the last legislature, unless the diseased stallions are put in public service, as defined by that law. There is no provision in the law by which the owners can be compelled to remove the horses from the state of Montana. The railroad which brought these horses into the state is liable, under section 16 of chapter 108, session laws of 1909, for the penalties enumerated in section 12 of such act. They are not, however, liable to the penalty of transporting the horses from the state of Montana.

Under the act above referred to your board, however, is at liberty, to advertise the fact of the unsoundness of these horses, and to use whatever means you think best in warning prospective purchasers of their condition.

The expense incident to this advertisement is chargeable to whatever funds may be in your hands from the fees collected under the provisions of chapter 108, above mentioned.

Yours very truly,

ALBERT J. GALEN,

Attorney General.