

Stallions, Certificate of Registration. Statutes, Knowledge of Presumed. Presumptions, All Persons Presumed to Know the Law.

Persons are entitled to the first form of certificate set out in section 8, of chapter 108, laws of 1909, where the stallion or jack is registered in books that recognize five pure top crosses. If the stud book in which such stallion or jack is registered recognizes stallions or jacks of less than five pure top crosses they are not entitled to such certificate of registration.

It is not necessary to show that a person has previous knowledge of this law in order to convict him of a violation thereof.

Helena, Montana, March 2, 1910.

Mr. R. W. Clark,
Secretary of Stallion Registration Board,
Bozeman, Montana.

Dear Sir—

I am in receipt of your letter of February 28, in which you state that upon receipt of our opinion given to you on February 17, regarding the certificate to be issued for stallions having five pure top crosses, that you addressed a letter to the United States department of agriculture and was informed by such department that it did recognize books that registered stallions having five top crosses.

This statement, of course, materially modifies the statement of facts upon which we rendered our opinion of February 17, and, therefore, a person who has a stallion, or jack, of five pure top crosses is entitled to a certificate in accordance with the first form set out in section 8, of chapter 108, laws of 1909.

You also request an opinion as to whether said section 8 is intended to include American Stud Books, or registry associations, that recognize and record stallions and jacks that have less than five pure top crosses.

In our opinion the first form of certificate can only be issued where the stallion or jack is registered in books that recognize five pure top crosses. If the stud book or registry association registers stallions and jacks having less than five pure top crosses, the stallion or jack registered

in such a book is not entitled to the first certificate provided for in this section.

You also ask if it is necessary to show that a person has previous knowledge of this law before he can be punished under section 12 thereof.

It is not necessary to make such a showing, as every person is presumed to know the law, and before acting in a matter of this kind it is his duty to ascertain what the law is.

Therefore, if he proceeds in such a manner as to violate this law, he is liable to punishment without proof that he has actual knowledge of the law.

I herewith return to you the letter of the department of agriculture.

Very truly yours,

ALBERT J. GALEN,

Attorney General.