

**Horticulture, Board Of. Board of Horticulture, Duties Of.
Fruit, Applicability of Section 1924 To.**

Section 1924 of Chapter 121, Laws of 1911 does not apply to fruit, simply to nursery stock. Section 1938 applies to all shipments of nursery stock.

March 27, 1911.

Mr. M. L. Dean,
State Horticulturalist.
Missoula, Montana.

Dear Sir:

I acknowledge receipt of your letter of the 20th inst., asking my construction of Section 1924 of Chapter 121 of the Session Laws of 1911. The word "fruit" is contained only in the proviso of said Section 1924, and it is a rule of statutory construction that a proviso refers exclusively to the antecedent clause of the section. The antecedent clause of said Section 1924 refers exclusively to "trees, grafts, scions, vines, or plants," and it is apparent that the word "fruit" in the proviso was inserted therein inadvertently, and for the reason above stated the appeal provided for in said section is not applicable to fruit, but simply to nursery stock, as above mentioned.

With reference to Section 1938 of said act, it seems that this sec-

tion is plain in itself and is intended to apply to all shipments of nursery stock, whether grown in Montana or shipped into the state. In view of the foregoing construction I do not believe it will be necessary to make any changes or alterations in the regulations which were decided upon at your meeting in Helena on March 16th.

Yours very truly,

ALBERT J. GALEN,

Attorney General.