

**Board of Stock Commissioners, Right Of to Present Claims for Estrays Killed by Railway Companies. Estrays Killed by Railway Companies, Board of Stock Commissioners May Present Claims For.**

If the owner of livestock killed by a railway company does not present his claim for the value of the animal killed within six months, the secretary of the board of stock commissioners may demand and receive from such railway company payment in damages for such stock, and the board is authorized to prosecute, in the name of the State, actions against the railway company to recover such damage. The money is required to be held by the state for two years, and if the owner does not present and prove his claim to the net proceeds within

such time, the money is to be placed to the credit of the stock indemnity fund.

April 11, 1911.

Mr. D. W. Raymond, Sec'y,  
Board of Stock Commissioners,  
Helena, Montana.

Dear Sir:

Your letter of April 10th has been received, requesting my opinion as to whether or not the Board of Stock Commissioners has the right to present claims to Railway Companies for cattle killed on their right-of-way.

In reply I will say that under the provisions of Section 4315, Revised Codes of Montana, in the event the owner of the live stock killed does not claim or does not present his claim for the value of the stock killed within six months from the date they were killed, the secretary of the state board of stock commissioners is authorized to demand and receive from such railroad company payment in damages for such live stock, and the board of stock commissioners is authorized to prosecute in the name of the state actions against such railroad in any court of competent jurisdiction to recover damages in the event of the failure of the railroad company to make payment of the claim. The money is required to be held by the state for a period of two years after its receipt, and in the event the lawful owner of the animal killed does not present and prove his claim to the net proceeds received within such time, the money should be paid to the state treasurer and by him placed to the credit of the stock indemnity fund.

Yours very truly,

ALBERT J. GALEN,

Attorney General.