

Horses, Inspection Of. Inspection, of Horses of the United States. Property of the United States, Jurisdiction Over.

When horses are purchased by the United States Government and are taken from the government reservation, the state loses jurisdiction, the property having become the property of the United States, and for that reason, the provisions of Sec. 1804 to 1811, Revised Codes of 1907, would not apply.

June 2, 1911.

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

Dear Sir:

I acknowledge receipt of your request for opinion upon the following statement of facts :

"The United States Re-Mount Station at Fort Keogh have shipped horses without inspection. Have they any right to do so? They buy these horses up around the country, especially at the Miles City horse sales and since they do not take the horses out of the county at the time, we have no right under the law to inspect them at that point. When they are ready for services the horses are shipped out without inspection and so get out of the state without ever being inspected."

When these horses are purchased by the United States government and are delivered or taken from the government reservation at Ft. Keogh it is my opinion that the state loses jurisdiction the property having become the property of the United States, and for that reason the provisions of Secs. 1804 to 1811, Revised Codes of 1907, would not apply. The state has no jurisdiction over the property of the federal government used in connection with the army nor with the property of the United States government situated upon a military reservation. The object of the inspection provided for by the provisions of Sec. 1804 to 1811 inclusive, is to detect thievery and to protect the owners of live stock shipped out of the state by persons engaged in the horse trading business, and for the protection of such horses as may be sold at Miles City horse sales. It seems to me that the inspection could be had under the provisions of Sec. 1808, Revised Codes of 1907 at the sales' yards at Miles City and that ample protection to the owners of any horses that may be offered for sale at such sales would be had.

Yours very truly,

ALBERT J. GALEN,
Attorney General.