

**Public Domain, Removal of Timber From Without Permit.
Timber, Cut on Public Domain Without Permit.**

The title to timber cut from public domain must come from the United States Government. Timber bought from a trespasser on the public domain and placed in a public building must be paid for by the municipality owning the building.

February 3, 1911.

A. G. Hatch, Esq.
County Attorney,
Big Timber, Montana.

I am in receipt of your letter of January 20th, together with enclosed letter from O. E. Hammer, Special Agent, G. L. O., and proposition of settlement for timber purchased by the county from a person who removed it from the public domain without obtaining a permit to do so. I have taken up the matter with the chief of the fourth field division and he has furnished me with circulars containing the law on this matter, one of which I have marked and herewith enclose. I believe, that if suit is brought the government could probably recover in the federal court the value of the timber used. While the timber is now in a public structure and owned by the people, the legal title is undoubtedly in Sweet Grass county and the timber which was cut by the trespasser while it is ultimately owned by the people the title thereto must come from the United States government. I believe therefore, there is a diversity of ownership between the structure and original timber, and that it would be an exercise of good judgment and discretion for the county to make settlement.

Yours very truly,

ALBERT J. GALEN,
Attorney General.