

**Bounty Certificate, Cannot Be Issued Where Law Has Not Been Complied With.**

Where a person has presented coyote skins to a bounty inspector under the provisions of Sec. 1906 of the Revised Codes, in the middle of March, he was not entitled to a bounty, the law requiring this to be done within the first three days of the month. Not having followed the law, as it existed at the time, he is not affected by an amendment therein, making it the duty of the sheriff to examine skins presented for bounty, and is not entitled to have a certificate from the sheriff.

May 1st, 1913.

Mr. John O'Leary,  
County Clerk,  
Livingston, Montana.

Dear Sir:

Your letter of the 28th instant, to D. W. Raymond of the board of stock commissioners, inquiring as to the right of a man to have a certificate for bounties upon coyote skins when the said skins were presented to the inspector in the middle of March, and the hides severed therefrom by him at that time, has been handed to me for my opinion. The following provisions of Sec. 1906 of the Revised Codes, under which the applicant in the case you speak of was acting, are called to your attention:

"Each bounty inspector shall, to prevent fraud, minutely examine each skin presented \* \* \* and at the same time make out and deliver to said person, certificate addressed to the county clerk of his county, and immediately mail to said county clerk a duplicate thereof, showing the date, number and kind of skins so marked by such severing and the name of the person presenting the fact of the filing of the affidavit herein provided for, and the examination made as required, and the said certificate shall be duly signed by him in his official capacity. \* \* \* The bounty inspector is not authorized to examine any skin or issue any certificate except upon the first three days of the month and any examination made by him or certificate issued on any other day is void. \* \* \* The county clerk shall upon the receipt of said certificate, file the same in the order in which they are received, and safely keep them until the arrival of the skin or skins mentioned in such certificate."

A careful reading of this section and especially of the portions thereof quoted above, indicates that the Legislature intended to throw every safeguard possible around the payment of bounties, to prevent fraud therein.

From the facts presented in your letter, it seems that the heads were not presented in accordance with the law existing at that time, and by the provision above quoted, any examination made in the middle of March or certificate issued thereupon, would be void. The applicant in the case presented by you, not having filled the requirements of the law in the first instance, could be in no better position now, that the law has been changed in such a way as to make the inspection the duty of the sheriff to claim a bounty for the skins presented by him. You are therefore advised that in my opinion the person presenting skins to the bounty inspector in the middle of March, from which the bounty inspector at that time severed the heads, is not entitled to a certificate for the bounties allowed by law upon such skins.

Very truly yours,

D. M. KELLY,  
Attorney General.