

Strays, Selling Increase of. Increase of Strays, Sale of.

If the possessor of the stray cow has complied with the provisions of Secs. 1906 to 2002 inclusive, the title to it has vested in him and no procedure could be had to force him to turn the cow upon the range to be shipped as a stray.

June 5, 1913.

Hon. D. W. Raymond,
Secretary Board of Stock Commissioners,
Helena, Montana.

Dear Sir:

I beg to acknowledge receipt of yours of May 6th, 1913, enclosing a letter from one J. F. Kiehl, wherein he makes inquiry of you as to the proper procedure in the case of one Norris, who has possession of a stray cow, the increase of which he is selling each year.

From all that can be gathered in the letter, the possessor of the cow seems to have complied with Secs. 1996 to 2002 inclusive, and if he has, the title to the cow is vested in him, and no procedure could be had to force him to turn the cow upon the range. In as much as the party mentioned in the letter from Mr. Kiehl has not attempted to ship the cow along with his other cattle, he is not liable to the penalties under Secs. 1820 and 1824, Revised Codes of Montana.

You are, therefore, advised that under the statement of facts set forth in the letter enclosed by you, it is my opinion that no procedure or action can be had under the laws of Montana to force the holder of the cow in question to turn her loose upon a range to be shipped as a stray.

Yours very truly,

D. M. KELLY,
Attorney General.