

Bounty Claims, Legality of. Transfer, of Bounty Claims.

The purchaser of an unperfected bounty claim takes nothing by the transfer, and the state is under no obligation to recognize such alleged claim.

July 17th, 1913.

State Board of Examiners,
Helena, Montana.

Gentlemen:

Under date of the 15th inst. you wrote to this department for an opinion based upon a statement of facts contained in a letter written by Mr. J. L. Fisco, sheriff of Musselshell County, and by him addressed to Mr. D. W. Raymond, secretary of the stock board, Helena, Montana. The letter referred to states:

"A number of the old bounty inspectors throughout the county, among the last things done in office, cut off the heads of a number of coyotes, and the party having the claims for bounty assigned their claims to merchants and whoever cared to buy them. Now the parties holding these claims are asking us to receive them so they can get the bounty, but so far I have been unable to find anything in the law allowing us to receive any of these heads where they have been severed from the rest of the skin."

Inquiry is then made as to whether, where the old bounty inspectors made the inspection and severed the heads of the animals, and the parties having claims for bounty having transferred the same to other parties prior to the perfection of the bounty claims, under such circumstances, the parties to whom assignments had been made could lawfully perfect the claims and collect the bounty upon the animals so killed.

It has been held by this department that claimants for bounty must conform strictly to the statutory provisions relating to bounty claims. (Opinions Attorney General, 1905-06, p. 103.) In Opinions Attorney General, 1905-06, p. 123, the proper mode of procedure is outlined, and it is there held that where a party claims bounty he must exhibit the heads for inspection to a bounty inspector, in accordance with the requirements of the law. That thereupon the scalps of such animals being severed from the heads and strung upon a wire and sealed, that both heads and scalps are to be redelivered to the claimant, and that, to enable the claimant to perfect his claim

to bounty, he should transmit such scalps to the county clerk. Sec. 1906, Revised Codes of Montana of 1907, provides, among other things, that after receipt by him of scalps for which bounty is claimed, and after examination by him duly made, "said county clerk shall then make out and deliver to the person named in said certificate a second certificate showing the same statement of facts as contained in the certificate of the bounty inspector, with the additional statement of the examination so made by him." That section of the codes was amended by Chap. 91 of the Session Laws of the Thirteenth Legislative Assembly, to the effect that the duties formerly devolving upon bounty inspectors should thereafter be exercised by the sheriffs, and under sheriffs, and deputy sheriffs of the various counties of this state, but the duties of the county clerk, by the enactment of this law, remain unchanged, and it is still the duty of the county clerk, after inspection and examination of scalps presented to him, to make out and deliver to the person named in the certificate a second certificate showing the same statement of facts contained in the certificate of the sheriff. The law, therefore, is the same, whether the original inspection was made under the new law by the sheriff of the county in question, or by the bounty inspector acting under the old law. In neither case is it permissible for a claimant to bounty to sell, assign or transfer his claim prior to its perfection. In order for a person to make a valid claim for bounty, he must show, not only that he killed the animals for which bounty is claimed, but that he, in due season, made proper affidavit and claim, and presented the same, together with the heads of such animals, either to the sheriff, under the new law, or to a bounty inspector under the old law, and that thereafter such claimant, in person, presented the identical heads to the county clerk of the county wherein the first named proceedings were had. It follows, therefore, that the person or persons who purchased unperfected bounty claims took nothing by the transfer, and the state is under no obligations to recognize their alleged claims.

Very truly yours,

D. M. KELLY,
Attorney General.