

**Horses Slaughtered, Valuation of. Assessed Valuation to Be Paid.**

See Opinion to Dr. Butler, June 7, 1913.

The amount to be paid for horses slaughtered is the full cash value of same as it appears on the 1913 assessment roll, in absence of fraud.

September 16th, 1913.

Hon. J. A. Slattery,  
County Attorney,  
Glendive, Montana.

Dear Sir:

I beg to acknowledge receipt of yours of the 4th instant, submitting for my consideration a question of the proper valuation for reimbursement to owners when horses are killed under the provisions of Chap. 68, Session Laws of the Thirteenth Legislative Assembly.

The first question submitted by you has previously been under consideration by this office in an opinion to Hon. W. J. Butler, state veterinary surgeon, a copy of which is herewith enclosed. You will readily see that the conclusion reached by you is the same as that rendered by us to Dr. Butler.

Your second statement has to do with the increase in valuation of horses by the owners after it is a matter of common knowledge that dourine existed in the district wherein such horses ranged. I assume that the question you wish answered is about as follows: Is the board bound to accept this increased valuation as the real value of the animal, in view of the fact that the valuation was increased, after it became known that dourine existed in the district wherein the horses ranged? In our opinion to Dr. Butler we held that they were to be paid for at their full cash value, as such value appears on the 1913 assessment roll, provided that the owner or claimant can show that the animals for which claim is made were assessed and appeared as assessed in the 1912 assessment roll.

You are, therefore, advised that the board is bound to accept the assessed valuation for such animals as the amount to be paid the owner for compensation, unless it appears that such a valuation was turned in by the owner for the purpose of defrauding the state.

Yours very truly,

D. M. KELLY,  
Attorney General.