

**Horse Markets, Inspection of Horses at Public Sale Yards.
Public Horse Sales, Duty to Have Inspections Made.**

Section 1815 of the Revised Codes of Montana requires an inspection and keeping of records at horse sales conducted by any person or corporation or association of persons, and provides a penalty for a violation of the act, and is therefore enforceable.

March 16th, 1914.

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

Dear Sir:

I am in receipt of your communication under date of the 10th instant, asking for my opinion as to whether Sec. 1815 of the Revised Codes of Montana, providing for an inspection and record of horses sold at public auction in public markets can be enforced. Art. VI of Chap. 3, Title 7, part 3, of the Revised Codes, of which Sec. 1815 is a part, was originally enacted as Sec. 1 of Chap. 96 of the Laws of 1907. That act included all of what is now Art. VI. Sec. 1819, Revised Codes, which is a part of the same enactment, provides as follows:

“Any person or persons, corporation or association guilty of a violation of any of the provisions of this act shall be deemed guilty of a misdemeanor, and is punishable by a fine not exceeding six hundred (\$600.00) dollars, or by six months

imprisonment in the county jail, or by both such fine and imprisonment."

The act is explicit as to the manner of the inspection and the keeping of the records, and provides a severe penalty for the violation of its provisions.

I am, therefore, of the opinion that this law can be enforced and that it should be enforced at all of these public horse markets.

Yours very truly,

D. M. KELLY,
Attorney General.