

Bounties, Who Entitled to. Claimant to Bounty, Affidavit of. Affidavit, of Claimant to Bounty.

Under the provisions of Chapter 91, Laws 1913, a person may employ a trapper or wolfer at a fixed salary, and make the affidavit required by the law.

But persons not instrumental in having the animals killed cannot make the affidavit and are not entitled to claim bounty.

May 7, 1914.

Hon. D. W. Raymond,
Secy. State Board Stock. Com.,
Helena, Montana.

Dear Sir:

I am in receipt of your communication under date the 6th instant, asking for my interpretation of that portion of the affidavit provided for by Chapter 91 of the Session Laws of the 13th Legislative Assembly, "killed or caused to be killed."

The two questions specifically put by your letter, are:

"1. Would such wording of the affidavit allow persons to buy pelts on which bounty had not been collected and later make the affidavit before the sheriff that he had killed or caused to be killed such animals and thereby collect bounty for himself on such animals?"

"2. Would this form of affidavit allow persons to employ trappers to kill such animals and deliver pelts to him so that he might make affidavit for the collection of bounty?"

Chapter 91 of the Session Laws of the 13th Legislative Assembly according to its title, is "An Act to amend Section 1906 of the Revised Codes of 1907, relating to bounty inspectors." However, an examination of chapter 91 shows that it includes not only the subject matter of Section 1906 of the Revised Codes of 1907, but also a portion of the provisions of Section 1905. Section 1905 provides that the person claiming bounty should file with the bounty inspector "an affidavit setting forth that he killed the animal or animals from which the skin or skins were taken." Chapter 91 provides for an affidavit and gives the form thereof. It also provides the procedure by which a person claiming a bounty may get a certificate therefore and this affidavit provided for allows the person to state that he killed or caused to be killed the animal. In as much as Chapter 91 is a complete law in itself in regard to the subject matter treated by it, we cannot look to the other provisions of the Code in regard to bounties for an interpretation, and must assume that the legislature intended that Chapter 91 should provide the whole means of obtaining bounty.

This leads to the conclusion that a person might hire a trapper to hunt and kill coyotes or wolves at a fixed salary, or at so much per pelt, and make the affidavit that he caused the animals to be killed and collect bounty for such pelts as were obtained by this means. As to the other question, as to whether such wording of the affidavit would allow persons to buy pelts upon which bounty had not been collected, and obtain bounty by making the affidavit, I am of the opinion that the intent of the legislature was that the person obtaining the bounty must be instrumental in having the animal killed, either by killing it himself, or hiring someone to do it, and that it was not the intent of the legislature to benefit persons who merely bought such pelts as were brought to them, for the purpose of obtaining bounty thereon.

Yours very truly,

D. M. KELLY,
Attorney General.