

**Estrays, Sale of at Auction. Stock Inspector, Authority to Reject Bid.**

A stock inspector at an auction sale of an estray animal has a right to refuse a bid where the same is less than the value of the animal.

Helena, Montana, October 6, 1915.

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

Dear Sir:

I am in receipt of your letter of the 28th ultimo, submitting the question:

“as to whether a stock inspector at an auction sale of an estray animal has the right to refuse a bid where the same is less than the value of the animal?”

Under the provisions of Section 3, Chapter 34, Laws of 1915, a stock inspector is required to cause the stock to be sold at public auction to the highest bidder for cash. The law is silent as to the right of the inspector to refuse to entertain bids. However, the inherent right exists to refuse to entertain a bid which is grossly below the value of the property offered; otherwise, bidders by combining could make their own price on the stock, or if there was but one bidder present, the auctioneer would be bound to sell to him no matter what his bid might be. A bid means an offer, and before the auctioneer is com-

pelled to accept it, it must be in some degree commensurate with the value of the property. Hence, when a bid is grossly inadequate, the stock inspector may refuse to receive it. The judgment of the stock inspector must to some extent be his guide.

Yours very truly,

J. B. POINDEXTER,

Attorney General.