

**Herd Districts— Land Owners— Lands —Petitions— Con-
tiguous Lands.**

When several land owners are desirous of having their lands embraced in an existing herd district, and such lands of all owners when considered as a tract lie contiguous and adjoining the existing herd district, the tract may be added to the district upon the petition of the owners even though the land of one owner alone lies contiguous and adjoining at the time of the petition.

C. H. Roberts, Esq.,
County Attorney,
Glasgow, Montana.

August 31, 1929.

My dear Mr. Roberts:

You have requested the opinion of this office with reference to the following facts:

There are numerous land owners whose lands comprise an area of approximately twenty-six square miles who desire to have their lands embraced in existing herd districts. The lands north and west of the lands desired to be included are at present in an existing herd district.

You desire to know whether it is possible for the owners of this land to follow the statutory procedure and have their land included in the existing district where, let us say, "A" owns a section lying contiguous and adjoining an existing herd district. "B" owns a section adjoining "A" but not the herd district, and "C" and "D" own land adjoining and contiguous to "B", but all desire to be embraced within the existing herd district.

Chapter 56, Laws of 1929, provides as follows:

"Upon petition of any owner or possessor of lands lying contiguous and adjoining any herd district theretofore created, and upon like hearing and notice as hereinabove provided for, such lands shall be included in said herd district and become a part thereof."

To give this language a strict interpretation would make it necessary for "A" to follow the statute and have his land included. This being done then "B's" land would be said to be "lying adjacent to and adjoining" an existing herd district and he too might have his land included, and this might be kept up indefinitely. To so hold would be to put a strained and ridiculous interpretation upon the language of Chapter 56, Laws of 1929, above quoted.

It is the opinion of this office that the test is whether the portion of land to be embraced in the district can be said to be "lying contiguous and adjoining"; in other words, the continuity of the district with the

proposed additions should determine the right to be included, regardless of whether the land is owned by one person or ten.

Very truly yours,

L. A. FOOT,
Attorney General.