

**Horse Herd Districts—Herd Districts—Resident Owners
—Notices—Costs.**

The term "resident owner," as used in section 1, chapter 119, laws of 1931, means an owner residing on land sought to be included in the herd district. The costs of publishing the notices required by the act in question must be paid by the county.

Mr. Murray E. Stebbins,
Secretary,
Montana Wool Growers Association,
Helena, Montana.

March 25, 1932.

My dear Mr. Stebbins:

You have requested my opinion as to what constitutes a "resident owner," as that term is used in section 1 of chapter 119, laws of 1931, and also as to whether the county or the petitioners should pay the costs of the publication of notice required under the act.

The term "resident owner" is not defined by the act itself and therefore the meaning of the term will have to be ascertained from the manner in which it is used. Section 1 of said act provides that the petition may be signed by the resident owner or possessor of lands sought to be included within the district. By reason of the fact that the possessor is allowed to sign the petition it is evident that the legislature intended to fix the qualification of a signer as being a user of the land rather than confine such signers to the legal owners. This is shown by the provision in said act allowing a legal owner to have the name of his lessee withdrawn from the petition.

It is therefore my opinion that the term "resident owner" as used in the act means an owner residing upon the land sought to be included in the herd district and does not in any way refer to a resident of the county or state.

As to whom shall pay the costs of publishing the required notices, the law requires the county commissioners to publish these notices, and since no provision is made for the payment of the cost of such publications, it necessarily follows that the same must be paid by the county.

Very truly yours,

L. A. FOOT,
Attorney General.