

ANIMALS--STALLIONS: Owner of stallion has lien on foal for one year.

April 29, 1937.

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Mr. E. A. Trowbridge, Chairman
Animal Husbandry Department
University of Missouri
Columbia, Missouri

Dear Sir:

We acknowledge receipt of your request for an opinion dated April 23, 1937, which reads as follows:

"The law requiring the licensing of stallions was repealed four or five years ago. That law carried a clause providing that in case stallions were properly licensed the owner of the stallions could hold the colt for the service fee if lien was filed before the colt was a year old. Will you please tell me what the situation is at present with respect to the question of holding a colt for the service fee?"

Section 3192 R. S. Mo. 1929, provides:

"The owner or keeper of any stallion, jack or bull may advertise the terms upon which he will let any such animal to service, by publication thereof in some newspaper of the county where such animal is kept, for sixty days during the season of each year, or by printed handbills conspicuously posted during such period, in four or more public places in said county, including the place where such animal is kept; and the publication or posting as aforesaid of the terms of such service shall impart notice thereof to the owner of any female animal served by such stallion, jack or bull

during any such season; and in all actions and controversies in respect to the foal or other product of such service, the owner of such female animal so served shall be deemed to have accepted and assented to said terms, when so advertised and published or posted as provided herein."

Section 3193 R. S. Mo. 1929, provides:

"When the said terms of such service by any such animal, published or posted as provided in the next preceding section, shall provide that the foal or other product of such service will be held for the money due for the service of such stallion, jack or bull, then and in that event the owner or keeper of any such animal shall have a lien for such sum on the offspring of any female animal served, for the period of one year after the birth thereof, which said lien shall be preferred to any prior lien, encumbrance or mortgage whatever; and the publication or posting as aforesaid of the terms of such service shall be deemed notice to any third party of the existence of such lien."

Section 3194 R. S. Mo. 1929, provides:

"Any person who shall sell, convey or dispose of any animal upon which there exists a lien as created in the preceding section, without the written consent of the party holding said lien and without informing the person to whom the same is sold or conveyed that said lien exists, or who shall injure or destroy such animal, or aid or abet the same, for the purpose of defrauding the lienor, or who shall remove or con-

ceal, or aid or abet in removing or concealing such animal with intent to hinder, delay or defraud such lienor, shall be deemed guilty of a misdemeanor."

Section 3195 R.S. Mo. 1929, provides:

"If any keeper of such stallion, jack or bull shall offer and advertise to let the service of any such animal, and shall give a false or fictitious pedigree, knowing the same to be false, or shall falsely represent said animal to be recorded or eligible to record in any of the various books of record kept for recording animals of that breed, he shall forfeit all claim to the value of the services rendered by any such animal, and shall not be entitled to the benefits of any provision of this article."

Section 3196 R. S. Mo. 1929, provides:

"For the purpose of enforcing such lien upon default in the payment of the sum secured, the lienor may proceed by replevin in any court of competent jurisdiction and possess himself of any encumbered property, and hold the same subject to such judgment as he shall recover."

CONCLUSION.

The law of Missouri relating to registration of stallions was repealed in Laws of 1931, p. 204. There is no stallion registration law in Missouri at this time.

Mr. E. A. Trowbridge

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Under the provisions of Sections 3192 to 3196, supra, the owner of a stallion has a lien on the foal or other product of such service, for one year after its birth, providing the published terms of service impart notice of such intended lien, subject to a truthful advertisement of pedigree. This lien is enforceable by a replevin action.

Respectfully submitted

WM. ORR SAWYERS
Assistant Attorney General.

APPROVED:

J. E. TAYLOR
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