

Live Stock—Driving Across Public Bridges.

Section 8520 of the Revised Codes of 1907, prohibiting the driving of horses, mules or cattle over a public bridge in a larger number than 15 head at a time, construed to have no application to sheep.

John Campbell, Esq.,
County Attorney,
Missoula, Montana.

My dear Mr. Campbell:

I have your letter in which you ask whether Section 8520 of the Revised Codes of 1907 applies to sheep.

This section provides as follows:

“Every person who wilfully rides or drives faster than a walk, on or over, any public bridge, and every person who drives any loose stock, such as horses, mules or cattle over any public bridge in a larger number than fifteen head at a time, is punishable by a fine not exceeding twenty dollars.”

Under the rule of ejusdem generis, whereby only things of like kind are held to be intended, it is plain that this section applies to animals of the equine or bovine species, the weight and bulk of which endanger the safety of the structure if allowed to cross in large numbers, rather than to the smaller animals, such as sheep, goats, hogs, and the like. The failure to make any mention of animals of the latter class, which could scarcely be attributable to oversight, evinces an intention on the part of the Legislature to exclude such animals from the operation of the statute.

In answer to your specific inquiry, therefore, I am of the opinion that the above quoted section has no application to sheep.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.