

**Opinion No. 66.****Sheriffs, Authority Of.**

The authority of sheriffs to inspect horses before removal from the State is terminated by Chapter 136, Laws of 1937.

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March 24, 1937.

Mr. Paul Raftery  
Secretary, Montana Livestock  
Commission  
Helena, Montana

Dear Mr. Raftery:

You have asked whether or not sheriffs may still inspect horses for shipment before removal from the State.

Under the provisions of Chapter 287 of the Political Code, R. C. M. 1935, as amended by Chapter 136, Laws of 1937, the answer to this question depends upon the construction to be given to said chapter, and the effect thereof, which expressly amended Sections 3321, 3322 and 3323, R. C. M., 1935. Chapter 287 of the Political Code, as arranged by the Code Commission, contains two acts, one, Sections 3317 to 3320, inclusive, relating

to the inspection of horses and mules, passed in 1901, and the other, Sections 3321 to 3323.2, inclusive, relating to the inspection of cattle, passed in 1907, as amended. Said Chapter 136 places horses and mules in the same status as cattle, they being all listed together in Section 3321, as amended. Since horses and mules are placed in the same category as cattle, and Sections 3321 to 3323 cover the same subject matter as 3317 to 3320, inclusive, and since there is conflict between them, it is my opinion that Sections 3317 to 3320 are repealed by said Chapter 136, and therefore the authority of sheriffs to inspect horses, which was given by Section 3317, is terminated. Section 5 of said Chapter 136, provides: "All Acts and parts of Acts in conflict herewith are hereby repealed."