

Sheep, Shipment Of in the State. Inspection of Sheep Shipped From Another State. Notice to Veterinarian of Shipment Duty of Shipper.

Where a person or corporation ship sheep in this state without giving the notice required by law, and the same are trans-

ferred through or into more than one county of the state, the venue of the offense thus committed may lie in any county through or into which such sheep are shipped.

Helena, Montana, Feb. 15, 1908.

Hon. M. E. Knowles,
State Veterinarian,
Helena, Montana.

Dear Sir:—

I am in receipt of your favor of the 4th inst. relating to alleged violations of the sheep inspection law by the Burlington Railroad Company. It seems from the statements contained in your letter that this company during month of November, 1907, shipped from Moorecroft, Wyoming, about 500 head of sheep consigned to John Matheson, Chinook, Montana, and that such company did not at any time give notice to you of such shipment, as required by sections 4 and 6, Chap. 173, Laws of 1907. In view of the fact that this shipment was continued through several counties of the state the question arises, in which county should action be instituted against the company, if at all, for its failure to give the notice required by said chapter?

As we are informed, the city of Billings, or its immediate vicinity, is the real Montana terminal of the Burlington Railroad, and that it has no existence beyond that point except by virtue of contract relations with other carriers, or with the shipper, by the terms of which the Burlington Railroad Company agrees to deliver freight at points beyond this terminal. We are also informed that the head offices of Burlington Company are at Billings.

Section 1564 of the Penal Code provides "when a public offense is committed in part in one county and in part in another, or the acts or effects thereof, constituting or requisite to the consummation of the offense occurred in two or more counties, the jurisdiction is in either county."

Under this statute I am of the opinion that the jurisdiction of any offense committed by the company in making this shipment without giving notice is in any county through which or into which the shipment was made. And in view of the fact that the real terminal is in Yellowstone County, and the head offices of the company are there, it is my opinion that that is the proper place to institute proceedings if you deem it advisable to commence action against the company.

Very truly yours,

ALBERT J. GALLEN,
Attorney General.