

Marks and Brands, Transfer Of. Brands and Marks, Transfer Of. Recorder, Marks and Brands, Power Of.

Where a woman is the owner of a brand and afterwards married, the recorder of marks and brands has no authority to require her to transfer the brand from her maiden name to her married name as a condition precedent to the re-recording of the brand under Chapter 27, Laws of 1911.

February 5, 1912.

D. W. Raymond, Esq.,
Recorder, Marks & Brands,
Helena, Montana.

Dear Sir:

I acknowledge receipt of your letter of the 1st inst., submitting the question as to whether you have the right to re-record a brand in the name of a married woman, which brand was owned by her, as appears from your records, in her maiden name, or whether it is

necessary for her to transfer the brand before the same can be re-recorded.

To require her to make a transfer of the brand in such a case would be demanding that she transfer the brand to herself. The ownership of the brand does not depart from the same individual. The method of procedure in such a case is not to require a transfer, but you have the right, however, to demand some evidence that she is the same person who owned the original brand. The proper evidence of this is the marriage certificate, or the record of the marriage, or proof by affidavit or otherwise that will satisfy you that it is merely the re-recording of the brand to the same person, and not the recording thereof to a different person.

Very truly yours,

ALBERT J. GALEN,

Attorney General.