

Brands, Re-recording Of. Marks & Brands, Re-recording Of. Recording, Marks and Brands. Notice, Sufficiency of to Forfeit Brands.

By the provisions of Chapter 27, Laws of 1911, it is the duty of the secretary of the state board of stock commissioners to mail by registered mail a notice to the owner of any recorded brand of the expiration of the time within which such brand may be re-recorded and it is not sufficient for such notice to be given by regular two cent letter.

March 28, 1912.

Hon. D. W. Raymond.

Sec'y, State Board Stock Commissioners,
Helena, Montana.

Dear Sir:

I acknowledge receipt of your letter of the 26th inst., relative to the notice to be sent the owners of recorded brands prior to the time such brands may be assigned to other persons in accordance with the provisions of Chapter 27, Laws of 1911.

The ownership of a brand and the right to its use, under the laws of this state, is a vested right, and in order to deprive the owner of such brand of such right, the provisions of said Chapter 27, Laws of 1911, must be followed explicitly. Sec. 3 of said Chapter provides that it is your duty to notify the owner of any recorded brand or mark at least 60 days prior to the expiration of the time for the re-recording of such mark or brand, and said section provides that such notice shall be in writing and by registered mail, and shall be addressed to such owner at the post office address named upon your books. These provisions must be strictly followed by you, even in instances where you are not satisfied that the party is still a resident of the place designated in your books you should direct the notice as provided in the law.

Sec. 4 of the Act also makes provision for the publication of the notice in each and every newspaper printed within the state, and I am of opinion that it would not be within the intent of the law for you to send a regular two-cent letter with return card upon the envelope to the owner of the brand.

Yours very truly,
ALBERT J. GALEN,
Attorney General.