

**Horses, Shipping Without Inspection. Express Company, Must Secure Certificate of Inspection. Certificate of Inspection, Must Be Secured by Express Company.**

By the provisions of Sec. 1805, Revised Codes, 1907, an express company is required to notify stock inspector and obtain duplicate certificate of inspection as required by the act before shipping race horses. Otherwise it is guilty of a misdemeanor.

September 18th, 1913.

Hon. D. W. Raymond,  
Secretary Board of Stock Commissioners,  
Helena, Montana.

Dear Sir:

I am in receipt of a letter from J. W. Collins,, handed by you to me, raising the question of whether an express company is liable for shipping race horses out of the state without first having them inspected and obtaining the certificates provided for by Sec. 1805, Revised Codes of Montana of 1907.

The manifest intention of this enactment was to prevent larceny of livestock. Sec. 1804 makes it the duty

"Of all persons removing or taking from this state in any manner whatsoever any horse, mule, mare, colt, foal, or filly, immediately before shipment or removal of the same, and at the place at which the shipment is to be made, to cause the same to be inspected by a stock inspector, or the sheriff of the county from which such stock is to be removed, as hereinafter provided."

This provision makes no distinction between race horses and other classes of livestock. The act is also inclusive as to the persons who may become liable under it, Sec. 1806 being in part as follows:

"Any person removing or attempting to remove any of said animals, without first securing the certificate of inspection, or any person in any other way violating any of the provisions of this act, shall be deemed guilty of a misdemeanor."

This language, I think, would include express companies, as well as other common carriers.

You are, therefore, advised that the shipment of race horses from a point in this state to some point without the state by an express company without first notifying the stock inspector of such shipment and obtaining a duplicate certificate provided for by the said act, would constitute a misdemeanor.

Yours very truly,

D. M. KELLY,  
Attorney General.