

Stock Inspector, Fees of. Fees, of Stock Inspector for Making Inspections.

Stock inspectors are entitled to a fee of \$3 for each separate inspection made of horses destined to points out of the state.

March 6th, 1914.

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

Dear Sir:

I am in receipt of your communication under date of February 25th, submitting for my opinion the following question:

"What fees may a stock inspector receive who inspects horses shipped from a sale yard?"

From the facts submitted in your letter, the question seems to be as to whether the fee of \$3 provided for by Sec. 1807, Revised Codes of Montana, 1907, is to be charged to each owner for whom an inspection is made, regardless of the number of different inspections made in any one day. The question of inspector's fees has previously been considered by this office in an opinion to Dr. M. E. Knowles, under date of May 6th, 1909, which opinion is found at page 105, Vol. 3, Reports and Official Opinions of Attorney General. It was there held

"That stock inspectors, sheriffs and their deputies may charge and collect from the person for whom inspection is made \$3 per day while engaged in the inspection, and in addition thereto the actual necessary expense incurred by such officer when engaged in the inspection of horses and other animals named in Sec. 1804, which are offered to the transportation companies for shipment to points outside of the State of Montana."

The effect of this opinion is that inspection fees can only be charged where the shipment of stock is destined to a point outside the state.

Sec. 1807, which provides for a fee of \$3 for making such inspections, makes no provision for any division of the fee named between various owners when several inspections are made upon the same day, and it is hard to say how the fee could very well be apportioned among various shippers. No method is prescribed for computing fractions of days in such cases.

I am of the opinion, therefore, that the fee provided for by Sec. 1807 was intended to be charged to each individual shipper, regardless of the number of animals inspected for him, and regardless of the number of separate inspections made in any one day.

Yours very truly,

D. M. KELLY,
Attorney General.