

Livestock, Inspection of. Fees, For Inspection of Live Stock.

Cattle are properly inspected only by regularly appointed stock inspectors, the law making no provision for such inspection by other officers. The law provides for no fees for such inspections, and none are collectible.

Helena, Montana, March 7, 1916.

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

Dear Sir:

I am in receipt of your communication under date the 3rd instant, enclosing some correspondence relative to fees charged by a city marshal or deputy sheriff, for the inspection of certain cattle from Norris, Montana. It does not appear whether this shipment was from one county to another county, or to some market outside of the state. I note that you have advised your correspondent that the officer making the inspection had no such authority. In this you are correct, in as much as Sections 1812, 1813 and 1814, relating to the shipment of stock out of the state, makes this a duty of the stock inspector. Likewise Section 131 of the Laws of 1915, relating to the shipment of stock from one county to another, makes the inspection the duty of the stock inspector. In neither of these do I find any authority for any fee to be charged by the person making the inspection, it apparently being the intent of the legislature that such inspection should be a part of the duty of the stock inspector, and covered by his salary. The collection of the fee, therefore, by someone not a stock inspector, was without authority of law, and the person paying it should be able to recover it by proper action.

As to the second question submitted by you, not enough facts appear as to the transactions upon which to base any definite opinion.

Yours very truly,

J. B. POINDEXTER,

Attorney General.