

**Live Stock—County, Removal From—Inspection Of On Removal—Mortgagor Of.**

Live stock may not be removed from one county to another by mortgagor on foreclosure of mortgage without having same inspected for brands, unless owned for three months.

Sept. 26, 1919.

Hon. E. A. Phillips, Sec'y,  
Live Stock Commission,  
Helena, Montana.

Dear Sir:

I acknowledge receipt of your letter of recent date, in which you request my opinion as to whether or not cattle taken from a mortgagor by a mortgage foreclosure may be removed from one county to another without being inspected for brands by a state stock inspector.

Section 1 of Chapter 72, Laws of 1917, as far as material here, provides:

"\* \* \* it shall be the duty of any and all persons, \* \* \* removing \* \* \* live stock \* \* \* from one county to another county \* \* \* to cause the same to be inspected for brands by a state stock inspector \* \* \* Provided, however, that the provisions of this Act shall not apply to the said stock when driven

by the owner from one county to another for the purpose of pasturing, feeding or changing the range thereof, nor to any stock so removed or taken used in the ordinary conduct of their business and such person, association or corporation has been the owner of said stock to be removed for at least three months."

Under the provisions of Chapter 72, Laws of 1917, live stock must be inspected before removed or taken from one county to another unless the same comes within the exceptions provided for in Section 1 of said Act. In my opinion, the taking of such cattle in a foreclosure proceeding does not come within any of the exceptions provided for in said Section 1, and such stock should be inspected for brands before removed from one county to another.

You are therefore advised that it is my opinion that such live stock must be inspected for brands by a state live stock inspector before such live stock can be legally removed or taken from one county to another, unless such mortgagee has been the owner of such live stock for at least three months prior to such removal.

Respectfully,

S. C. FORD,

Attorney General.