

**Brands—Livestock Commission—Transfers.**

The Livestock Commission has no authority to refuse to record an assignment of a recorded brand.

E. A. Phillips, Esq.,  
Secretary, Montana Livestock Commission,  
Helena, Montana.

January 31, 1927.

My dear Mr. Phillips:

You have requested my opinion whether the livestock commission has authority to refuse to transfer a recorded brand.

An examination of our statutes fails to disclose any provision relating to the transfer of a recorded brand by the owner thereof. However, section 3303 R. C. M. 1921, providing for the re-recording of brands, refers to the transferee, showing that there was no intention on the part of the legislature to prohibit the transfer of a brand. The general rule is stated as follows:

“In the absence of statute, recorded brands are subject to sale or transfer like other personal property.” (3 C. J., par. 98, p. 44).

Since the livestock commission has no authority to cancel the record of a brand after having issued a certificate of registration (Attorney General's Opinions, Vol. 6, p. 397) it necessarily follows that the owner of a brand cannot be prevented from transferring the same, and since the commission cannot prevent this transfer it cannot do indirectly what it cannot do directly.

It is therefore my opinion that the livestock commission has no authority to refuse to record an assignment of a brand. (Attorney General's Opinions, Vol. 9, p. 355).

Very truly yours,

L. A. FOOT,  
Attorney General.