

Livestock—Cattle—Inspection.

The exception contained in the latter part of section 3324 R. C. M. 1921, as amended by chapter 26, laws of 1923, applies to all livestock removed from one county to another, whether driven on foot or shipped by rail.

May 25, 1928.

Grover C. Johnson, Esq.,
County Attorney,
Polson, Montana.

My dear Mr. Johnson:

You have requested my opinion whether the exception contained in the last part of section 3324 of the code, as amended by chapter 26, laws of 1923, applies only to stock driven from county to county, or whether it includes also stock shipped by rail.

The act provides that all persons removing or taking livestock from one county to another within this state "by railroad or in any other manner whatsoever" shall cause the same to be inspected for brands. The latter part of the sections reads:

"* * * provided, however, that the Livestock Commission may authorize said shipments to be made without said inspection, in the event there is an inspection made at destination; and, provided further, 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 by any person, association, or corporation, when such stock is used in the ordinary conduct of his business, and such person, association, or corporation has been the owner of said stock to be removed for at least three months."

It is my opinion that the words "said stock" and the words "such stock", as used in the latter portion of said section, refer to all livestock removed from one county to another "by railroad or in any other manner whatsoever", which is the language used in the opening paragraph of the section.

It is therefore my opinion that if an affidavit is presented containing the allegations specified in the latter portion of said section, a railroad station agent is entitled to accept the same and to receive horses for shipment without a certificate of brand inspection.

Very truly yours,

L. A. FOOT,
Attorney General.