

Estrays—Livestock.

Section 3339 R. C. M. 1921 defines the term "estráy" only for the purpose of the enforcement of section 3340 R. C. M. 1921 and not for the purpose of modifying the definition of said term as given in section 3337 governing the activities of stock inspectors.

August 27, 1928.

R. M. Hattersley, Esq.,
County Attorney,
Conrad, Montana.

My dear Mr. Hattersley:

You have requested my opinion relative to the meaning of the word "estráy" as defined in section 3337 and section 3339 R. C. M. 1921.

For the purpose of governing the activities of stock inspectors in gathering up and selling stray cattle, it is my opinion that the defini-

tion of the word "estrays" as given in section 3337 is controlling. Said section was originally a part of the law governing the subject of taking up and selling stray cattle.

The act which is now section 3339 R. C. M. 1921 was originally section 1 of chapter 169, laws of 1921, entitled: "An act to Define the Term 'Estray' and to Provide Penalties for the Taking Up, Using or Disposing of Estrays."

The definition of the word "estrays" contained in section 1 of chapter 169, supra, was followed by section 2 of said act making it a misdemeanor for any person to take into his possession an "estrays" without the owner's consent. Chapter 169 contains no general repealing clause and makes no reference to the subject of taking up "estrays" by livestock inspectors.

It is therefore my opinion that section 3339 defines the term "estrays" only for the purpose of the enforcement of section 3340, and not for the purpose of modifying the definition of said term as given in section 3337 governing the activities of stock inspectors.

Very truly yours,

L. A. FOOT,
Attorney General.