

Livestock—Shipment—Inspection.

Livestock shipped from one county to another by truck must be inspected in the county from which shipment is made and before removal therefrom.

Mr. R. C. Dillavou,
County Attorney,
Billings, Montana.

June 29, 1932.

My dear Mr. Dillavou:

I have your request for an opinion. You inquire if cattle may be

shipped from one county to another by truck without being first inspected in the county from which shipment is made, or whether the shipment may be made and the inspection thereafter made in the county to which it is removed.

The answer to your question is controlled by sections 3324-3327, R.C.M. 1921 as amended by chapter 26 of the laws of 1923. Section 3324, as amended, requires all persons "removing or taking" livestock or meat cattle from one county to another within this state by railroad "or in any other manner whatsoever" to cause the same to be inspected for brands, and railroad companies are prohibited from accepting livestock for shipment unless the shipper produces a certificate of their inspection but the livestock commission may authorize said shipments to be made without said inspection in the event there is an inspection made at destination. No inspection is required of livestock driven by the owner from one county to another for the purpose of pasturing, feeding or changing the range thereof, nor is any inspection required where the stock is used in the ordinary conduct of a person's business and he has been the owner of the stock "to be removed" for at least three months.

The foregoing provisions fairly indicate that in all cases where inspection must be made the inspection must be before the livestock is shipped. The act is directed to persons removing or taking livestock as distinguished from those who have removed or have taken livestock from one county to another and the stock to be inspected is stock to be removed rather than stock that has been removed. This construction is verified by section 3327 which provides penalties for the violation of the act wherein the penalties are imposed upon persons removing or attempting to remove any livestock mentioned in section 3324 from one county to another without having "first received" the certificate of inspection.

I enclose a copy of an opinion rendered relative to the shipment of cattle from this state to points outside the state. While this opinion is not directly in point I am enclosing it for your information.

Very truly yours,

L. A. FOOT,

Attorney General.