

animal or livestock." Chapter 97, Laws of 1933, provides for the payment of \$4.00 for recording "each such brand and for each such tottoo marks" for "fur-bearing animals which of their nature, in the absence of efforts for their domestication, are known as wild."

We are not advised whether it is proposed to use the same mark or brand or tattoo mark for domestic animals and fur-bearing animals but we deem it immaterial. There is no express intention on the part of the legislature so far as shown in Chapter 97 to enlarge the scope of Chapter 236 in order to take in fur-bearing animals. If such had been the intention it could have been and naturally would have been expressed in the form of an express amendment. Chapter 97 makes no mention of Chapter 236. The subject matter of the two acts is not the same. The two acts are not repugnant to each other. In short, there is nothing in the later act from which such an intention can be inferred. In the absence of such intention, express or implied, it must be held that the original act is not amended and that it was the intention of the legislature that the records be kept separate and that separate fees be charged. This view is in line with the general rules of law pertaining to express or implied amendments to statutes as stated in 59 C. J. 857, Section 434.

#### Opinion No. 455.

#### Livestock—Marks, Brands and Tattoo Marks—Recording Fees—Fur-Bearing Animals.

HELD: Chapter 97, Laws of 1933, does not enlarge the statutes so as to permit the same record and the same fee for the recording of brands and tattoo marks for fur-bearing animals and marks and brands for domestic animals and livestock.

February 9, 1934.

You have submitted the questions (1) whether the records of marks and brands for use on horses and cattle must be kept separate from the records of brands and tattoo marks for domesticated fur-bearing animals such as foxes, and, (2) whether the fee for recording the former will also cover the fee for the latter.

Chapter 236, Part III of the Political Code of Montana of 1921 as amended by Chapter 14, Laws of 1929 provides a fee of \$4.00 for the recording and \$1.00 for the re-recording of "each mark or brand" used on "any domestic