

that a certain procedure is required by the second paragraph of this section, where shipment is made other than by railroad, does not, in my opinion, in any way relate to, or limit the discretion given to the Livestock Commission by the sentence above quoted.

Your second question, whether the Livestock Commission may set up the conditions under which shipments may be made by truck, if the Commission has discretion to permit such shipments, is rather difficult to answer because you have not specified the conditions. We cannot, therefore, answer your question, except to say in general that in our opinion, since the Livestock Commission has discretion to authorize the shipment of livestock by truck, it may prescribe such reasonable terms as may be necessary in order to carry out the definitely expressed will or purpose of the Legislature. See *State v. District Court*, 103 Mont. 487, 63 Pac. (2) 141, and cases cited in Paragraph 8 thereof.

Opinion No. 88.

**Livestock — Inspection at Destination.
Discretion of Livestock
Commission.**

HELD: Livestock commission has discretion to authorize shipments of livestock by trucks and inspection at destination.

Livestock commission may prescribe reasonable terms and conditions relating to shipments of livestock by truck.

April 17, 1937.

Mr. Paul Raftery
Secretary, Montana Livestock
Commission
Helena, Montana

Dear Mr. Raftery:

You have requested my opinion as to whether the Livestock Commission has authority to permit the shipment of livestock by truck to a livestock market subject to brand inspection at destination.

Section 3324, as amended by Chapter 133, Laws of 1937, provides:

“ * * * that the Livestock Commission may in its discretion authorize said shipments to be made without said inspection, in the event there is an inspection made at destination by a regularly employed stock inspector.”

By this provision the Livestock Commission is given a broad discretion without any exception in case of shipment of livestock by trucks. The fact