



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

June 7, 1939

GERALD C. MANN
ATTORNEY GENERAL

Hon. S.B. Buchanan, Jr.
County Attorney
Val Verde County
Del Rio, Texas

Dear Sir:

Opinion No. 0-618
Re: Does Subsection (a) of S.
B. No. 24 apply to ranches
as well as farms?

Your request for our construction of Senate Bill No. 24, Section (a), which is an amendment by the 46th Legislature to Article 7047e, R.C.S., has been received by this department.

That portion of Senate Bill No. 24, inquired about, reads as follows:

"Nor shall the provisions of this section apply to obligations or instruments secured by liens on crop and farm or agriculture products, or to livestock or farm implements or an abstract of judgment."

We also quote your question:

"The question raised is whether this clause applies to ranches as well as farms, that is, whether it applies to all livestock on ranches and to ranch implements, such as saddles and other equipment used for the purpose of carrying on the ranching industry."

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We presume that you want an answer only as to "all livestock on ranches and to ranch implements" for the exemption of the amendment does not extend to farm, as a noun. Consequently, it could not extend to ranches.

The exemption appears to us to go only to liens on personalty, as "crops and farm or agricultural products, or to livestock or farm implements."

If liens and livestock are included within the exemption, it must be so because they are farm or agriculture products.

"AGRICULTURE", as defined by Webster, is: "The art or science of cultivating the ground, including harvesting of crops and rearing and management of livestock; husbandry; farming; in a broader sense, the science and art of the production of plants and animals useful to man."

"FARM", the verb, Webster defines . . . "to produce crops and animals on a farm".

"RANCH", he defines; "(2) loosely a farm, especially of large size;" and **"RANCHO"**, "a large grazing farm; a ranch."

In *Tower & Son v United States*, 9 Cust. App., p. 307, we find this language:

"That raising, feeding and carrying for animals, such as sheep and cattle fall within the term **AGRICULTURE** and cannot be doubted."

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In 52 Corpus Juris, p. 796, they define RANCH as

"originally and even now loosely, a farm, especially one of large size".

Since both farm and agriculture have been defined to include the raising of livestock, we believe that the clause referred to applies to all livestock on ranches, as well as to crops raised on farms.

In view of the custom to use the word FARM to include what we sometimes denominate a RANCH, and in view of the authorities cited, we think this unquestionably answers your question affirmatively. The legislature presumably understood the meaning of the words FARM and AGRICULTURE and intended that they be given their literal meaning, and that the cattle on ranches should be within the exemption of the statute.

You also ask if this exemption applies to ranch implements, such as saddles and other equipment used for the purpose of carrying on ranching industry.

In the Texas case of Gordon v Buster, 257 SW, p. 230 in the Supreme Court of Texas, it was held that the general scope of the term FARM means a tract of land used for the raising of crops or the rearing of animals.

If the term FARM or AGRICULTURE is broad enough to be inclusive of the ranching industry, then we think that the exemption of the statute is inclusive of ranch implements, such as saddles and other equipment used for the purpose of carrying on ranching industry.

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This is a reasonable conclusion that follows the interpretation of the courts, that the farming industry includes the raising and caring for livestock and in order to do that, certain implements or equipment are necessary.

We, therefore, answer your question that the exemption of subsection (a) of S.B. No. 24, passed by the 46th Legislature, was intended by the Legislature to and does extend to liens on all livestock on ranches and to ranch implements necessary for the use of a person carrying on that business.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Morris Hodges*
Morris Hodges
Assistant

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APPROVED:

George B. Mann
ATTORNEY GENERAL OF TEXAS

