



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable T. D. Sansing
County Attorney
Hansford County
Spearman, Texas

Dear Sir:

Opinion No. 0-5459

Re: Is it proper to allow the registration of more than one brand in the same person's name?

And a related question.

Your request for an opinion has been received and carefully considered by this department. We quote from your request as follows:

"I have been requested by the Clerk of this County to secure for him some information concerning the registration of brands, and I am not able to locate a statute covering his questions.

"1. He desires to know if it is ever proper to allow the registration of more than one brand in the same man's name.

"Explanation: A man has his brand of record; he purchases a bunch of cattle, already branded. He finds that the brand on the cattle is not of record in the County where they are to kept, so he desires the Clerk to record this brand in his name also.

". . . ."

Article 6890, Revised Civil Statutes, provides as follows:

"Every person who has cattle, hogs, sheep or goats shall have an ear mark and brand differing

Honorable T. D. Sansing, page 2

from the ear mark and brand of his neighbors, which ear mark and brand shall be recorded by the county clerk of the county where such animals shall be. No person shall use more than one brand, but may record his brand in as many counties as he deems necessary."

Article 1484, Penal Code, provides:

"Whoever in originally branding or marking cattle uses more than one mark or brand shall be fined not less than twenty-five nor more than one hundred dollars for each animal so branded or marked."

These statutes contemplate, and have been so construed by our courts, that a person may use or record for use only one brand. *Turner v. State*, 39 Cr. R. 322, 45 S. W. 1020; *Unsell v. State*, 39 Cr. R. 330, 45 S. W. 1022. The Texas courts have held, however, that these statutes were not intended to prevent an owner of livestock for good cause from changing his brand. *McClure v. Sheek's Heirs*, 68 Tex. 426, 4 S. W. 552; *Dugat v. Smith*, 67 Cr. R. 46, 143 S. W. 789.

The person, according to your letter from which we have heretofore quoted, desires to use and to record for use more than one brand.

We, therefore, answer your query in the negative.

Since you request our answer to your related question only if we reached a conclusion different to that as we have above expressed, it thus becomes unnecessary to render an opinion thereon.

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED JUL 31, 1943
Sam Miller
DEPUTY ASSISTANT
ATTORNEY GENERAL

By *Fred C. Chandler*
Fred C. Chandler
Assistant

By *Robert O. Koch*
Robert O. Koch

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