

ARKANSAS BRAND REGISTRY

Taken from Act 179 of 1959 - State of Arkansas

"An Act to repeal revised statutes Chapter 93, Sections 1, 2, 3, 4, 5, and 6 (Ark. Stat. [1947] Sections 78-801 to 78-806 Inclusive); to provide for the central registration of all livestock brands used in the state; and for other purposes".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

Section 1. The following terms shall, for the purpose of this Act have the following meanings:

- (a) The term "Board" shall mean the Livestock and Poultry Commission**
- (b) The term "Director" shall mean that person employed by the Livestock and Poultry Commission to administer the provisions of this Act.**
- (c) The term "Division" shall mean the Division of Brand Registry herein created;**
- (d) The term "Livestock" and the term "Animal" shall mean any cattle, horse, or mule.**

The term "Brand" shall mean a permanent identification burned into the hide of alive animal with a hot iron or chemical in letters, numbers or figures, each of which are at least three (3) inches in over all length or diameter, and is to be considered in relation to its location on such animal.

Section 2. There is hereby created in the Livestock and Poultry Commission a Division of Brand Registry which shall consist of a Director and such other personnel as may be necessary to carry out the provisions of this Act. The Director shall be employed by the Livestock and Poultry Commission and said Board shall serve as an Adjusting Committee in the matter of determining conflicts of brands and the decision of the Committee shall be final. The Director shall have the authority to prescribe all rules and regulations he shall deem necessary to carry out the provisions of this Act, and shall publish a State Brand Book which shall contain a facsimile of each and every brand and mark that is registered with the Division showing the name and address of the owner, together with the pertinent laws, rules and regulations pertaining to registration and re-registration of brands and marks.

Section 3. After the passage of this Act all county brand records or various counties of the State shall be property of the Division of Brand Registry within the Livestock and Poultry Commission, and it shall be unlawful for any county clerk to accept any brand for registry. Said Division of Brand Registry shall collect all county Brand Record Books and place the same in their offices and preserve the same as public record. The Division shall furnish a record of any brand record in the County Record Books to any person for a fee of One Dollar (\$1.00) per brand.

Section 4. Every person desiring to adopt a brand or to continue to use a brand shall make application to the Division of Brand Registry for the registration of such brand in the manner hereinafter prescribed. Any person who knowingly places any brand upon any livestock which has not been registered with the Division of Brand Registry shall be guilty of a misdemeanor if such brand duplicates a brand that is registered with the Division of Brand Registry. Duplication shall constitute the use of a similar brand, used in any position on the animal designated for the use of a registered brand, such as the head, neck, shoulder, rib, hip or breeching.

Section 5. Immediately upon receipt of the Brand Record Books for the respective counties, the Director of Brand Registry shall notify each holder of a brand that said Division is in existence and that said Division will, on or before January 1, 1960 and every five (5) years thereafter, cause to be published a State Brand Book showing all the brands recorded with that Division prior to December 1, 1959, and every five (5) years thereafter. The Division shall prepare a standard form, which shall be mailed to all holders of registered county brands and be made available by the Division to others who desires to apply for a brand. The applicants shall show a front, rear, left and right side view of the animals upon which the brand will be eligible for registry. The brand location shall be designated in the following body regions; head, right jaw, neck, shoulder, rib, right and left jaw, neck shoulder, rib and neck, right and left hip, thigh, and breeching. The applicant shall select not less than three (3) distinct brands and list them in the preferred order and shall likewise select three (3) locations on the properly signed and notarized application and accompanied by a fee of Five Dollars (\$5.00). Said brand, if approved and accepted by the Division for registry, shall be of good standing during the five (5) year period in which recorded.

Section 6. From the effective date of this Act until September 1, 1959 the Division shall accept brand registration applications only from persons having brands registered in the county brand books. From September 1 until December 1, the Division shall accept brand registration applications from any person desiring to register a brand or brands and such applications shall be held and listed by the Division which shall immediately proceed to check brand applications for conflicts and should any be found, the fee so advanced along with the application shall be returned to the persons making such applications.

Section 7. All brand applications passed upon and approved shall be sorted in a systematic manner and published in the First Edition of the State Brand Book, which shall be published on or before January 1, 1960. Thereafter, supplements shall be published every three months, and every five (5) years a revised brand book shall be published. Prior to publication of any revised State Brand Book, all registered brand owners and assignees in the previous book or supplements thereto shall be notified in writing that their brand has terminated and that said brand must be renewed if such person desired to keep such brand. A re-registration fee of Five Dollars (\$5.00) shall be charged for the ensuing five (5) year period, or a fraction thereof.

Section 8. The State Brand Book, and all supplements thereto for the five (5) year period shall be sold to the public for Ten Dollars (\$10.00) except that the original State Brand Book shall sell for Five Dollars (\$5.00), and any supplement of any Brand Book shall be sold at fifty cents (50¢) each. The county clerk and the sheriff of each county shall receive all brand books and supplements thereof without cost to their respective county.

Section 9. Brands appearing in the current edition of the State Brand Book, or supplements thereto, shall be prima facie evidence of ownership and shall take precedence over the brands of like and kind should question of ownership arise. The owners whose brand does not appear in the State Brand Book or supplement thereto, shall produce evidence to establish his title to said property in the event of controversy.

Section 10. There is hereby reserved to the State the brands of "B" and "T" on the left jaw of any cattle and it shall be unlawful for any person to use same. Cattle carrying these brands shall be claimed as reactors to brucellosis abortus (Bang's Disease) and Tuberculosis "T.B." From and after the passage of this Act only brands appearing in the current edition of the State Brand Book and the supplements thereto shall be subject to sale, assignment, transfer devise or bequest, the same as other personal property. Such transfer of title must be recorded with the Division of Brand Registry and the fee for recording same shall be One Dollar (\$1.00).

Section 11. All persons selling livestock branded with their brand recorded in a current edition of the State Brand Book or supplements thereto, shall execute a written transfer of ownership, to the purchaser. Should the purchaser suffer any damages due to seller's failure to execute a written transfer of ownership, then said seller shall be liable for any and all damages decided upon by any court of competent jurisdiction.

Section 12. The provisions of this Act are severable and if any clause, sentence, paragraph, or section hereof shall be held void, the decision of the court shall not affect or impair any of the remaining portions or provisions of this Act.

Section 13. All laws and parts of laws in conflict with this Act are hereby repealed.