



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

February 17, 1958

Hon. Mack Wallace
County Attorney
Athens, Texas

Opinion No. WW-366

Re: Authority of owner of truck
registered as a farm truck
under Article 6675a-6a to
transport cross-ties on the
public highways of Henderson
County, Texas.

Dear Mr. Wallace:

We are in receipt of your letter of January 28, 1958, in which you state that a resident of Henderson County leases timber in Henderson County, cuts logs, makes cross-ties out of the logs, and conveys the cross-ties across Henderson County on a truck registered as a farm truck, and you request our opinion as follows:

"Is it a violation for this man to haul cross-ties from his saw-mill on his lands to the point of sale on a truck carrying farm registration?"

Article 6675a-6a provides that a truck used by the owner thereof only in the transportation of his own poultry, dairy products, livestock, livestock products, timber in its natural state, and farm products to market, or to other points for sale or processing, etc. may be registered as a farm truck.

This Department held, in Opinion O-3317, rendered April 30, 1941, addressed to Hon. Coke R. Stevenson, Jr., County Attorney at Junction, Texas, that an individual who leases a ranch for the purpose of cutting the timber therefrom, or one who purchases the timber under a straight contract of sale without leasing the land, would be in the same position as a cattle trader who purchases cattle from others and hauls same to market, and that in such cases the person so doing would not be entitled to the farm license provided for in Article 6675a-6a.

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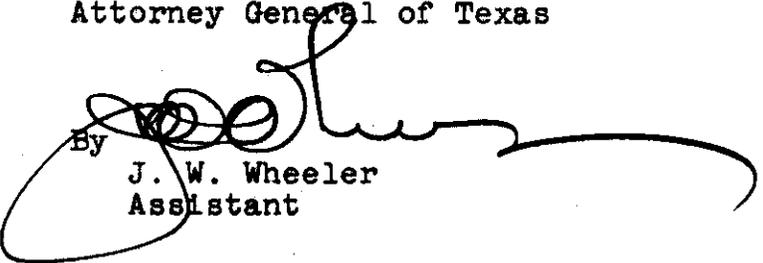
We are further of the opinion and hold that cross-ties are not 'timber in its natural state' as that term is used in Article 6675a-6a. See Hubbard v. Burton, 75 Mo. 65, 67.

SUMMARY

Cross-ties are not "timber in its natural state" as that term is used in Article 6675a-6a, and may not be transported in a truck registered as a farm truck on the public highways of this State.

Very truly yours,

WILL WILSON
Attorney General of Texas

By 

J. W. Wheeler
Assistant

JWW:jp-dhs

APPROVED:
OPINION COMMITTEE
Geo. P. Blackburn, Chairman

Cecil Rotsch
Mark McLaughlin
Milton Richardson
John Minton

REVIEWED FOR THE ATTORNEY GENERAL

BY:

W. V. Geppert