

Sheep Inspector, Fees Of.

Under Section 16, Chapter 45, Laws 1905, the fee for inspecting sheep which have been within this State six months preceding such inspection, shall be paid out of the sheep inspection and indemnity fund. All other fees and expenses incurred for superintending the dipping of sheep, feeding, marking, etc., shall be charged to the owner of the sheep, whether the sheep have been within th State six months or not.

Helena, Montana, August 29, 1905.

Mr. C. Hedges, Secretary, Board of Sheep Commissioners, Helena, Montana .

Dear Sir:—Your letter of the 21st instant, requesting opinion of this office received, the question submitted being as follows:

Are the expenses of dipping and superintending the dipping of sheep which have been within this state six months preceding their inspection a proper charge against the sheep inspection and indemnity fund of the State?

Section 10, Chapter 45, laws 1905, provides, in part, that "the inspector

must inspect all sheep within his county, which he may have received notice or information are affected with, or have been exposed to any infection or contagious disease, and in case he finds the same are not so diseased, or exposed, he must make and issue a certificate, stating such facts; but if the sheep are affected with or have been exposed to any infectious or contagious disease, they must be quarantined, and the regulations for their quarantine, holding and keeping must be at once made by such Inspector, each Inspector so appointed must personally supervise the dipping of, or otherwise treating of all scabby or diseased sheep within his county, and appoint the date for each and every dipping."

Section 11 also provides that upon receiving information of any of the facts mentioned in said Section 10, the inspector must examine the sheep and if found diseased or exposed to disease to establish quarantine, etc.

Section 16 of said act provides as follows: "The expense of inspecting, feeding, holding, dipping, treating, marking and taking care of all sheep inspected, quarantined, dipped or otherwise treated, under the provisions of this act, including the fees and expenses of the Inspector on account of services in connection with the same, must be paid by the owner, agent or person in charge of such sheep, * * * provided, however, that the fees and expenses of the Inspector for inspecting sheep which have been within this state six months preceding such inspection, shall be paid out of the sheep Inspection and Indemnity Fund."

It is evident from the reading of these sections that a distinction is made between inspecting of sheep and the feeding, holding, dipping and treating of sheep that from inspection are found to be diseased. If sheep which have been within this state more than six months are found, upon inspection of the Inspector, to be free from scab, he should give the owner a certificate to that effect. In that event the fees for making such inspection would be a proper charge against the sheep inspection and indemnity fund; or, if the sheep were found to be diseased upon such inspection, the inspector's fee for making the inspection would be a proper charge against the sheep inspection and indemnity fund. But all other expenses—namely, the expense of feeding, holding, dipping, treating, marking and taking care of the sheep and the inspector's fee for superintending the dipping and inspecting where the sheep have not been six months in the State preceding inspection are proper charges against the owner, agent or person in charge of such sheep, and are not a proper charge against the sheep inspection and indemnity fund. In other words, the proviso contained in the latter part of said Section 16 of said act refers only to the fees and expenses of the inspector in inspecting the sheep and has nothing whatever to do with the expense of dipping or his superintendency of dipping, etc.

Yours very truly,

ALBERT J. GALEN,

Attorney General.