

**Bounty Law, Applicability to Animals Inoculated With Mange
by State Veterinarian.**

The bounty law does not apply to animals inoculated with mange by the State Veterinarian, in accordance with the provisions of Chapter 107, Laws of 1905, p. 302.

Helena, Montana, Oct. 20, 1905.

Dr. M. E. Knowles, State Veterinarian, Helena, Montana.

Dear Sir:—I am in receipt of your favor of the 19th, making request upon my office for an opinion in relation to the applicability of the bounty law to coyotes and wolves which have been by you infected with mange and turned loose, under the provisions of Chapter 107, laws of 1905, p. 302.

Under the provisions of the last mentioned law, it is made your duty to secure a sufficient number of wolves, wolf pups, coyotes and coyote pups to demonstrate fully the feasibility of producing among these animals the contagious disease known as "mange," and you are required to inoculate the animals by you so secured and thereafter liberate them. This law was enacted as an experimental method for the extermination

of wolves and coyotes within the state. The bounty law, Chapter 49, laws of 1905, p. 100, was also enacted with the intent and purpose of bringing about the extermination of these animals, and to that end a bounty was placed on their scalps.

It does not seem to me at all consistent with the legislative intent that animals by you inoculated and turned loose for the purpose of aiding in the extermination of the species are the proper subjects for bounty under the provisions of the bounty law, provided they can be distinguished and determined from other coyotes and wolves. The State authorizes you to secure them at State expense, and to inoculate them at State expense, and thus they become state property, and although afterwards turned loose and permitted to run at large, still they are not the class of animals contemplated in the bounty law, upon which bounty is to be paid. To hold otherwise would be ridiculous and would probably lead to the absolute inoperation, if not the utter defeat, of the intention of the law-making body in the enactment of said Chapter 107.

In *State v. Dobey*, 19 Nev. 399, the court said:

"In construing constitutions and statutes, the first and last duty of courts is to ascertain the intention of the convention and legislature; and in doing this they must be governed by well settled rules, applicable alike to the construction of constitutions and statutes. 'All laws should receive a sensible construction. General terms should be so limited in their application as not to lead to injustice, oppression or an absurd consequence. It will always, therefore, be presumed that the legislature intended exceptions to its language which would avoid results of this character. The reason of the law, in such cases, should prevail over the letter.'" (See also, *U. S. v. Kirby*, 7 Wall. 482; *State v. McKenney*, 18 Nev. 189.)

The board of examiners, at its last regular meeting on the 18th day of October, 1905, seeing the anomalous condition presented by these two laws, made a rule not to allow or approve any claims against the State, under the bounty law, for such animals killed, where they are capable of identification as animals turned loose by the state veterinarian under the provisions of said Chapter 107, and the clerk of the board was directed to notify all county clerks in the state of such rule and to request such clerks to advise bounty inspectors of the inauguration of such rule on the part of the board of examiners.

Respectfully submitted,

ALBERT J. GALEN,

Attorney General.