

Live Stock Sanitary Board, Powers Of. Quarantine, Powers of Board. Rabies, Power of Board to Quarantine and Slaughter Animals Affected With.

1. The State Live Stock Sanitary Board may quarantine against Rabies, and may prohibit the removal of animals affected therewith, except under restrictions.

2. The Governor may establish quarantine against states where Rabies are known to exist, and make rules for the importation of animals into the State of Montana from affected localities.

3. The Board may slaughter animals affected with Rabies, or slaughter animals exposed thereto, when necessary as a sanitary safeguard.

Helena, Montana, May 20, 1907.

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

Dear Sir:—

I am in receipt of your letter of the 27th ult., in which you submit for the consideration of this office certain propositions relative to the power and authority of the State Live Stock Sanitary Board established by Chap. 152, Laws 1907.

These propositions may be reduced to the following questions.

1. Has such Board the authority to quarantine against localities on account of Rabies known to exist in such localities?
2. Has the Board the authority to prohibit the removal of dogs from such affected localities except under such restrictions and rules as the Board may prescribe?
3. Has the Board or the Governor authority to establish quarantine against the States of North Dakota and Minnesota on account of the existence of Rabies in such states?
4. Has the Board the authority to require the slaughter of all dogs without owners, and to compel the muzzling of dogs that are claimed?

Chap. 152, Laws of 1907, which establishes the State Live Stock Sanitary Board, vests such Board with plenary power to establish and enforce such rules as may be necessary for the proper protection of live stock and domestic animals from any of the diseases herein named or included.

The Act by its terms is broad enough to include dogs as well as animals coming technically within the meaning of the term "Live Stock."

"Dangerous diseases" as used in the Act, are defined by Section 13, which is made to include Rabies; and Section 6 of the Act specifically names cats and dogs.

Section 4. confers authority upon the State Veterinary Surgeon to act as chief executive sanitary officer of the Board, and "to quarantine any animal or animals suffering from or exposed to any contagious, infectious, enzootic, epizootic, or dangerous disease; to prohibit their moving or transportation without a certificate from him," etc.

Subdivision 3. of Section 5. confers authority upon the Veterinary Surgeon and the State Board "to determine and employ the most efficient and practical means to prevent, suppress, control and eradicate dangerous * * * diseases among live stock." and makes it the duty of such officer or Board to recommend to the Governor, when necessary, the issuance of quarantine proclamations against domestic animals in other states, territories or foreign countries, while Section 6 of the Act authorizes the slaughtering of two classes of animals:

- (a.) Animals affected with disease requiring slaughter.
- (b.) Animals so exposed to disease as to require their slaughter as a sanitary safe-guard.

Under this law the State Veterinary Surgeon and the State Live Stock Sanitary Board have the right to quarantine on account of Rabies known to exist; and also the right to quarantine to prevent the introduction of Rabies which is known to exist in other localities, and may, as a result of this power, when necessary, either prevent entirely the transportation or removal of dogs from infected localities, or require them to be muzzled, or to be accompanied by a certificate of health. The Governor also has the authority to quarantine against any state in order to prevent the introduction of Rabies into the State of Montana, and to establish conditions on which dogs may be removed from such states into the State of Montana.

The Board has the authority to slaughter animals as provided for in Section 6 of the Act; that is, animals which are either affected with a dangerous disease, or those which have been exposed so as to require slaughter as a sanitary safe-guard. Dogs without owners as well as with owners, may be slaughtered when it is rendered necessary or expedient within the meaning of the authority conferred by said Section 6. A great deal must be left to the judgment of the Board and the Veterinary Surgeon, but, as we understand it, these questions have been called forth by the reason of the known existence of Rabies in the states of Minnesota and North Dakota, and that a considerable loss of livestock has been occasioned thereby, and that a great many people have been compelled to take the Pasteur Treatment by reason of being inoculated with Rabies, and that some deaths have resulted.

This law vests the State Live Stock Sanitary Board, the Governor, and the State Veterinary Surgeon, with ample authority to adopt and enforce such rules and regulations as will most effectually prevent the introduction of this dangerous disease in the State of Montana.

Very truly yours,

ALBERT J. GALEN,

Attorney General.