

**Livestock Sanitary Law. Disease, Livestock, Concealing Of.  
Owner, Liability Of. Accomplice, Counseling Misdemeanor.**

I. Anyone who counsels and aids another to commit a misdemeanor in violation of the law for the protection of livestock may be prosecuted as for the commission of a misdemeanor under Section 1225, Penal Code.

Helena, Montana, April 22, 1908.

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

Dear Sir:—

I am in receipt of your letter of April 19th., submitting for the consideration of this office the following statement of facts, and question of law based thereon.

“A’s horse became sick and he had him examined by Dr. R., a physician, and found the horse suffering from glanders, and the animal was killed, and it is alleged that Dr. R. told the owner to conceal the fact from the state authorities “or they would come along and destroy more of their horses”. Did Dr. R. violate the provisions of the live stock sanitary law?

Section 15 of Chap. 152, Acts of 1907, provides in part:

“If any owner or custodian \* \* \* fails to notify the state veterinary surgeon of the existence of contagious or infectious disease among his animals, or exposure thereto \* \* \* shall be deemed guilty of a misdemeanor.”

Section 1225 of the Penal Code provides, in substance, that every person who counsels or aids another in the commission of a misdemeanor is guilty of a misdemeanor. If under the facts of the case submitted the owner of this animal is guilty of misdemeanor under the provisions of said Chap. 152 Acts of 1907, above quoted, and the “counseling” and

"aiding" on the part of the physician were such as to come within the meaning of said section 1225 of the Penal Code, then he is guilty of a misdemeanor. But the particular facts of the case, of course, must govern; and not having the evidence before us, we can only point out the law and refer the matter to the county attorney for such proceedings as he may deem advisable, after inquiry as to the evidence obtainable.

Very truly yours,

ALBERT J. GALEN,  
Attorney General.