

Dairy Cattle, Testing for Tuberculosis. Live Stock, Testing for Tuberculosis. State Veterinary Surgeon, Interfering With Inspection By. Dairy Cattle, Owners of to notify State Veterinary Surgeon of Diseases.

The owner of cattle may test or have same tested by others than officials of live stock sanitary board, but if any owner or other person hinders, resists, or obstructs any official or employee of the live stock sanitary board in the discharge of his duties he is guilty of a misdemeanor. It is the duty of every owner or person in charge of cattle to immediately notify the state veterinary surgeon of the existence of communicable disease in cattle.

Persons testing dairy herds for the purpose of obstructing or preventing the state veterinarian from obtaining proper tests

of animals would be guilty of a violation of Sec. 1898, Revised Codes.

July 5th, 1911.

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

Dear Sir:

I am in receipt of your letter of June 30th, wherein you state that certain individuals and owners of dairy herds in Silver Bow county have been tuberculin testing cattle with the evident purpose of interfering with the legitimate and official test by your office by tuberculinizing their cattle to such a degree that the official inspector could obtain no result by his test, and for the further possible reason of determining the number of diseased cattle in their herds before official inspection, so that the same might be disposed of by sale or otherwise, thus evading the loss that would occur should tuberculosis be found in the herds and such herds destroyed, officially. You also state that the injection of tuberculin in the cattle wholly nullifies the legitimate tuberculin test of the same cattle within a period of thirty days, and for that reason you would be unable to determine whether or not cattle tested by you were infected with tuberculosis. You request my opinion as to whether or not it will be possible for you to punish those who have been testing their cattle and what steps you shall take to prevent the tuberculinizing of cattle in the future by others than inspectors of your office.

In reply I will say that I know of no law which prohibits the owner of cattle from having them tuberculin tested by others than officials of the live stock sanitary board, but, under the provisions of Sec. 1898, if any owner or custodian or any other person shall in any manner hinder, resist or obstruct any officer or employee of the live stock sanitary board in the discharge of his duty, or in the exercise of his lawful powers, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500 or by imprisonment in the county jail not more than six months, or both such fine and imprisonment; and under the provisions of Sec. 1894, any person, including the owner or custodian who has reason to suspect the existence of any disease mentioned in the act among livestock, or the presence of an exposed animal at any point within the state, shall forthwith give notice thereof to the state veterinary surgeon.

It will be noticed, therefore, that it is the duty of every owner or person in charge of cattle to immediately notify the state veterinary surgeon of the existence of tuberculosis in the animals, and a failure to do so is punishable as provided by Sec. 1898 of the Revised Codes.

It is also my opinion that if any person should test dairy herds for the purpose of obstructing or preventing your office from obtaining proper test of the animals, that he could also be punished under the provisions of Sec. 1898 above referred to.

You are, therefore, advised that you should swear out a complaint

before a justice of the peace of the county, and prosecute any owner who fails to notify you of the existence of tuberculosis in his dairy herd, and also against any individual who is hindering or attempting to obstruct your office in the testing of dairy cattle, as provided by law.

Yours very truly,

ALBERT J. GALEN,

Attorney General.