

**Sheriff, Power and Duty of in Inspecting Cattle or Horses.
Cattle and Horses, Power and Duty of Sheriff to Inspect.
Deputy State Veterinarian, Per Diem and Fees Allowed by
Law. Per Diem and Fees, of Deputy State Veterinarian.**

Under the provisions of Sec. 1804, Revised Codes of Montana, it is the duty of the sheriff of any county, when called upon, to inspect any horse, mule, mare, colt, foal or filly immediately before shipment or removal of the same from points within this state to points without the state. Sheriffs have nothing to do with the inspection of cattle.

Under the provisions of Sec. 1885, Revised Codes of 1907, a special deputy veterinarian receives a salary of \$1500 per annum, together with actual and necessary traveling expenses; while deputy veterinary surgeons when performing actual service under the direction of the state veterinary surgeon or sanitary board, receive the sum of six dollars per diem, together with actual traveling expenses.

May 23rd, 1913.

Hon. J. W. Collins,
Butte, Montana.

Dear Sir:

Under date of May 17th, 1913, you wrote to this office requesting an opinion as to the powers and duties of sheriffs in Montana to inspect cattle or horses shipped out of this state, together with the points or places where inspections are to be made. You also inquire concerning the per diem and fees allowed by law to deputy veterinarians.

Replying to the first inquiry, will say that the powers and duties of sheriffs are defined in Art. IV, Chap. 4, Part 3, Title 7, of the Revised Codes of Montana, 1907. Under the provisions of Sec. 1804 it becomes the duty of the sheriff of any county to inspect, when called upon, any horse, mule, mare, colt, foal or filly immediately before the shipment or removal of the same from points within this state to places without the state. All provisions of the code relative to the transportation of animals and the inspection thereof prior to shipment by the sheriff are contained in the chapter here referred to. Article V of the same chapter, part and title of the code provides for the inspection and shipment of cattle, but it appears that the duty of inspecting animals of this class devolves upon stock inspectors of the state, and sheriffs are not mentioned.

You are therefore advised that as to the inspection of cattle sheriffs have nothing to do, but as to horses, inspection is to be made as provided for by the provisions of the law above quoted, and the points or places where inspection is to be made are in contemplation of the law, the points or places of shipment.

Referring to your second inquiry, will say that the salaries of deputy veterinary surgeons are fixed by Sec. 1885 of the Revised Codes of Montana of 1907. By referring to this section you will observe that special deputies receive a salary of \$1,500 per annum, together with actual and necessary traveling expenses, while deputy veterinary surgeons when performing actual services, under the direction of the state veterinary surgeon or sanitary board, shall receive the sum of \$6.00 per diem, together with actual traveling expenses.

Very truly yours,

D. W. KELLY,
Attorney General.