

**State Veterinary Surgeon, Power of. Power of State Veterinary Surgeon, Over Cattle on Public Range. Range Stock, Power of State Veterinary Surgeon Over. Livestock Sanitary Board, Duty of.**

The provisions of Chap. 90, Laws of 1913, have only to do with livestock confined upon the premises of the person in possession or control of said livestock.

Under the provisions of Sec. 1888, Revised Codes, the state veterinary surgeon has ample power and authority to compel the dipping of range stock. Certain subdivisions of said section outlines the duty of the livestock sanitary board.

June 7th, 1913.

Hon. W. F. Butler,  
State Veterinary Surgeon,  
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the 2nd inst., as follows:

"I desire an opinion as to whether or not it is possible for the livestock sanitary board to compel owners of range cattle to dip their animals when scab mite has been demonstrated on animals not bearing their brands nor owned by them, but which animals are running on the same range.

"At the last legislative assembly there was a bill passed making it compulsory for the state veterinary surgeon to demonstrate the scab mite before placing a quarantine on animals. This law is easy to construe where only pasture cattle are concerned, but I desire an opinion from you which will cover range cattle.

"I am enclosing copy of a letter received from Mr. B. H. Brown which may help you to understand the question I desire to answer."

I have made a careful examination of the matter given in your communication, and beg leave to advise that the law to which you refer is contained within the provisions of Chap. 90 of the 1913 Session Laws, page 417. This act is an amendment of Sec. 1840 of the Revised Codes of Montana, 1907, and in my opinion has to do only with livestock, which is confined or upon the premises of

the person owning or in possession or control of such livestock. The word "premises," as contained in the act, means a certain piece or parcel or quantity of land with the buildings and appurtenances in the possession or under the control of a person, and this act has nothing to do with livestock of different owners commingling upon the public range. In my judgment, you have ample power and authority to compel the dipping of range stock, under the provisions of Sec. 1888 of the Revised Codes of Montana. The third, fourth and sixth subdivisions of this section are particularly applicable as outlining the duties of the livestock sanitary board, and the seventh subdivision of this section gives you the power, in the case of scabies, or any other contagious or infectious diseases among domestic animals on the public range, to notify the owner, agent or person in charge of such stock, and if within ten days after such notification such stock is not taken up and cared for by such person, your office is then clothed with the power to order the rounding up of such infected animals and providing proper treatment. This subdivision creates a first lien upon such animals for the services so performed by your office, and it is further provided that if the lien is not discharged, the sanitary board is given summary power to dispose of such animals at public auction to satisfy the lien.

I am of the opinion that Sec. 1888, and all its subdivisions are in full force and effect in this state, and therefore advise that you investigate the matters set forth in the letter of Mr. B. H. Brown, and if the conditions disclosed are substantially as set forth in Mr. Brown's letter, that the livestock sanitary board take proper action, under the provisions of the section aforesaid, to compel the dipping of all affected animals complained of.

Yours very truly,

D. M. KELLY,  
Attorney General.