

Chapter 82, Laws 1913, Construed.

It is fundamental that in the construction of the statute the true meaning should be ascertained and followed. See Opinion.

August 15th, 1913.

Hon. A. D. Knowles,
Secretary and Treasurer Board Veterinary Examiners,
Livingston, Montana.

Dear Sir:

I am in receipt of your letter, submitting for the consideration of this office the construction of Chap. 82, Session Laws of 1913.

The journals of the proceedings of the Thirteenth Legislative Assembly have not yet been published, hence I am unable at this time to trace the history of the bill in question. However, as appears by your letter this bill originally contained eleven sections, and in Sec. 4 thereof reference was made to Sec. 10, and in Sec. 5 reference is made to Sec. 8 of the bill as originally drafted. Subsequently and after these references had been made, another section was inserted in the bill, numbered Sec. 6, and the numbering of the various subsequent sections was properly changed, so that the bill as enacted into a law contains twelve sections, but the reference made in Sec. 4 and 5 to Sec. 8 and 10 was not changed. The question now is, whether in the construction of the bill the reference made in Sec. 4 to Sec. 10 should now read Sec. 11 instead of Sec. 10, and that made in Sec. 5 should not read Sec. 9 instead of Sec. 8. Conceding this to be the history of the bill, as the same appears in the official record of the legislative proceedings, the question is fairly presented as to whether the numbering of the sections, as the same appears in the bill, and as referred to in said Secs. 4 and 5, should be followed, or whether we may look to the record and history to obtain the true legislative meaning.

It is fundamental that in the construction of the statute the true meaning should be ascertained and followed, unless the language of the act is so plain and unambiguous as to prevent any departure

from the plain statements therein made. There is throughout this act a clear distinction drawn between "veterinary medicine and surgery," and "farriery." In Sec. 4 of the act reference is made to Sec. 10, but an examination of Sec. 10 discloses the fact that its provisions have no possible relation to anything dealt with in said Sec. 4. Hence, if said Sec. 10 as it now appears in the bill is really the section meant by the reference in Sec. 4, such reference is wholly without meaning, while Sec. 11 of the act, as it now appears, does have relation to the matters referred to in Sec. 4. It is a fundamental rule of construction that every part of a legislative act should be given a meaning. The insertion of Sec. 6 in the act, after the numbering of Sec. 4, would necessarily move all subsequent sections forward one number. Hence, I am of the opinion that Sec. 10, as referred to in Sec. 4, should read Sec. 11. For the same reason, where in Sec. 5 reference is made to Sec. 8, the same should now read Sec. 9—so that Secs. 11 and 9 are the sections referred to in Secs. 4 and 5, instead of Secs. 8 and 10, as is stated therein.

A similar question was once before this department in the construction of Sec. 16 of Chap. 108, Session Laws of 1909, where the question involved is more fully discussed, and the authorities cited.

Opinions Attorney General, 1910-12, p. 212.

Yours very truly,

D. M. KELLY,

Attorney General.