

**Livestock Sanitary Board, Authority of. Tubercular Animals, Authority to Destroy. Diseased Animals, Power of Live Stock Sanitary Board. "Bang System."**

It is immaterial how or under what circumstances tuberculous animals are shipped into the state, for under existing

laws, the authority of the Livestock Sanitary Board is uniform as to native and imported animals.

Two classes of animals may be slaughtered: 1. Animals determined to be affected with disease requiring slaughter, and, 2. Animals so exposed to disease as to require their slaughter as a sanitary safeguard.

The authority to slaughter is absolute, but in the interests of economy the "Bang System" may be employed in an effort to preserve the offspring of diseased animals.

June 9, 1914.

Dr. W. J. Butler,  
State Veterinary Surgeon,  
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the first instant, as follows:

"In instances where tuberculous animals are shipped into the State of Montana, either under a fraudulent certificate or a certificate that may have been made in good faith but which is found to cover diseased animals, or where cattle are shipped in without any certificate whatsoever, has the Live Stock Sanitary Board of Montana the authority to immediately destroy without permitting the owner the privilege of quarantining his animals, and employing the system known as the "Bang System," or has the owner of such cattle the rights and privileges granted all owners of cattle that are found diseased within the state, that were not diseased or knowingly diseased prior to their entrance into the state?

"If the Live Stock Sanitary Board, from economic reasons, desires to grant the owners of diseased cattle shipped into the state the privilege of employing the "Bang System," has the Live Stock Sanitary Board the right to demand from that owner an agreement to the effect that the owner will stand and pay all expenses necessary for the proper application of the "Bang System," and the testing of all offspring and animals that have been bred or have come in contact with the diseased animals? Has the Board also the authority to demand, in this written agreement, that the owner will notify the State Veterinary Surgeon of all animals bred to, or brought into contact with, the diseased animals?"

In my opinion, it is immaterial as to how or under what circumstances tuberculous animals are shipped into the State of Montana, for under the existing law, the authority of the Livestock Sanitary Board to deal with diseased animals, found within this state, is uniform as to native animals, and animals imported.

Under the provisions of Section 1889, Revised Codes of Montana, two classes of animals may be slaughtered; first, animals determined by either the State Veterinary Surgeon or a deputy, to be affected with

a disease requiring slaughter; and, second, animals so exposed to disease as to require their slaughter as a sanitary safeguard. No compensation is provided for animals slaughtered falling within the first class, but compensation is provided for the slaughter of animals falling within the second class. If, therefore, you should find the tuberculous animals mentioned in your letter to be so diseased as to require slaughter, your authority to do so is absolute, and the owner of the animals is not entitled to compensation. It is provided, however, (Sec. 1891) that in tuberculosis of cattle, the Sanitary Board may direct the state veterinary surgeon to detain such cattle in quarantine subject to eradication by the so-called Bang System or other improved system approved by the Board. Should you deem it expedient to refrain from slaughtering these animals for economic reasons, and adopt or employ the "Bang System," the Livestock Sanitary Board should demand from the owner an agreement to the effect that all necessary expenses will be borne by such owner. It should also be required that the owner notify the State Veterinary Surgeon of all animals bred to or brought into contact with the diseased animals.

Yours very truly,

D. M. KELLY,  
Attorney General.