

**Animals, Slaughter of, Payment for. Slaughter of Animals, and Payment for. Payment, for Animals Slaughtered.**

1. Where animals are slaughtered by order of the veterinary surgeon for any of the diseases named in the law providing therefor, the owner is entitled to receive compensation from the state and the county.
2. Where an animal is slaughtered, it should be described so as to identify it, but it is not necessary to make a separate certificate for each animal, although that is the better way.
3. House Bill No. 119, Laws of 1913, does not conflict with Chapter 146, Laws of 1911.
4. Form of order directing the slaughter of animals submitted.

March 26th, 1913.

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

Dear Sir:

I am in receipt of your letter of the 17th instant, submitting the following inquiries relating to the slaughter of animals, and payment therefor:

"1. Is the state compelled to pay the entire assessed value of the animal slaughtered, or may the government pay part thereof?"

"2. What procedure should be taken toward the identification of the animal slaughtered?"

"3. Do the provisions of House Bill No. 119, Laws of 1913, conflict with Chapter 146, Laws of 1911?"

"4. Is it necessary to make a separate certificate for each animal slaughtered, or may two or three animals be included in one certificate?"

"5. What is the proper form of order directing the slaughter of animals?"

These questions will be considered in their order.

1. Sec. 4 of said House Bill 119 provides that where animals are slaughtered by reason of being afflicted with diseases therein named, the state shall pay fifty per cent of the assessed value of the animal and the county shall pay fifty per cent thereof. No reference is made in the law to any part being paid by the general government. However, if the government does pay a part of the assessed value of the animal, the owner, then having received part compensation, can only claim from the county and the state what remains unpaid, which in fairness should be divided equally between the county and the state. When the owner makes his claim to the county or the state for compensation, he should be required to state the amount, if any, he has received from the government, and the state should pay one-half of the remainder and the county one-half.

2. The animal when found afflicted with one of the diseases, and ordered to be slaughtered, should be described in such a manner as to identify the particular animal. The brands, color, age, sex, weight, ownership, kind and markings, all enter into the description. The law gives no specific direction except that the animal must be described.

3. There is no material conflict between Sec. 4, Chap. 146, Laws of 1911, and said House Bill 119. Said Sec. 4 appears to give the owner the option (a) to quarantine the animal, (b) to submit to having been slaughtered, (c) to ship to an abattoir under the direction of the state board, and if "such animal or animals are sold, the owner shall receive the net proceeds of the sale thereof, and shall have no further claim against the state." Said House Bill No. 119 provides for the payment of the animal slaughtered. The law, however, does not designate any place where the animal shall be slaughtered, and if therefore the owner, under the rules and regulations of the state sanitary board, shall ship such animal to the abattoir, and the same is after arrival there, found unfit for food, and "such animal or animals are" not "sold" and the same are there slaughtered under the direction and regulation of the veterinary surgeon or his deputy, the owner may still maintain his claim for compensation in the same manner as though the animal had been slaughtered and buried prior to shipment. I understand from the law relating to the slaughter of animals that the same should be done not only under the direction but under the regulation of the veterinary surgeon or his deputy, at least such surgeon or deputy must know to a certainty that such animal has been slaughtered in accordance with the order issued therefor. (Sec. 1888, R. C.) In this connection attention is called to the provisions of Sec. 1886, R. C., which confers authority for the appointment of federal inspectors, subject to the provisions of said section.

4. An order and separate certificate shall be issued for each animal slaughtered, but whether two or more shall be included in the same certificate is rather a matter of administration than of specific direction by law, but in as much as blank certificates may be used, I would suggest that in order to prevent any confusion that a separate certificate be used for each animal.

5. I inclose herewith a form of certificate which I believe to be sufficient for your use.

Very truly yours,

D. M. KELLY,  
Attorney General.