

**State Board of Veterinary Examiners, Duties of. Veterin-
ary, License of. License of Veterinary, Duty of Board to Is-
sue.**

The issuing of temporary licenses to veterinary surgeons who have not passed a successful examination is a matter within the discretion of the Board of Veterinary Examiners.

April 3, 1915.

Hon. A. D. Knowles,
Sec'y. State Board of Veterinary Examiners,
Butte, Montana.

Dear Sir:

I am in receipt of your communication under date the 31st Ult. submitting the following questions:

1st: "Is the Board compelled to issue a temporary license upon request, legal application having been filed with the Secretary, before examination has been taken by the applicant, whether he be a non-resident of this state or not?"

2nd: "Is the Board compelled to issue a temporary license to a candidate who has failed to pass an examination, or to a candidate who has failed upon the second attempt to pass an examination, such candidate having held a temporary license from the board after his first examination?"

All of these questions may be answered in the negative.

The language of the act is, Section 4, Chap. 82, Laws 1913,

"The Board may issue temporary license to such candidate, allowing him to practice pending the successful passage of an examination."

The word "may" as used here relates to something which the Board is not required to do as a public duty, or in the fulfillment of the functions of its office; the issuance of the temporary license is a matter within the discretion of the Board, not something that can be demanded as of right.

Yours very truly,

D. M. KELLY,

Attorney General.