

Inspection of Stock, Used by United States. Horses Used by United States, Right to Inspect. Stock, Inspection of.

The statute relating to the inspection of stock used by the United States in government business, examined and construed.

April 20, 1915.

Hon. D. W. Raymond,
Secretary State Board of Stock Commissioners,
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the 8th instant submitting for my consideration a letter addressed to you by R. H. Rutledge, Acting District Forester, Missoula, Montana. No specific question is stated, but I gather from the correspondence that some difficulty is experienced by the forestry department relative to the inspection of horses used by them as in the discharge of duty requiring the crossing and recrossing of the state line.

Section 1808 of the Revised Codes of Montana, and the following sections, provide for the inspection of horses, etc., where the same are taken beyond the boundaries of the state "for the purpose of selling such stock or offering the same for sale at public sale." Stock employed by the government or any department thereof in the discharge of government business does not fall within this description. Hence, strictly speaking, no inspection is required or authorized. Mr. Rutledge in his letter states that in hiring horses from individuals, they use a contract form which gives a detailed description of the animals, together with the brands,—and his proposition is to make an extra copy of this description and give it to the stock inspector, or the person charged with the inspection of stock in this state. This would be ample to satisfy the provisions of our state law in such cases, and this relates only to stock being taken from the state, and has no direct application to stock being moved into the state. Another provision of our law found in Section 1836 and the following sections, relates to the inspection of stock by the state veterinary surgeon, but in Section 1839, this provision is found:

"The owner of such animals, ridden under the saddle or driven in harness into this state, or under yoke, and any person coming into this state with his own team or teams, is not required to notify the veterinary surgeon, or await the inspec-

tion of the animals, but he is liable for all loss or damage to any person by reason of any contagious or infectious disease brought into the state by his animals; and no such animals must be held in quarantine for a longer period than ninety days, unless contagious or infectious disease is found to exist among them."

Under this provision of law, the inspection for disease would not be necessary as to animals employed by the forestry department whether as saddle horses, pack horses or harness horses, where the same are moved into the State by any other means than by rail, as provided in Section 1811.

Where it is the desire of the forestry department to ship their stock out of this state by rail, the provisions of Section 1811 may be satisfied by an inspection either by a local inspector, or by a federal inspector. This inspection would only be for the safety of the railroad company when demanded by it, but that section has reference to the provisions of Section 1808 which deals primarily with stock going out of the state.

We return herewith your correspondence with Mr. Rutledge.

Yours very truly,

D. M. KELLY,

Attorney General.