

**Live Stock—Tubercular Live Stock—Transportation of
—Authority of Live Stock Sanitary Board.**

The State Live Stock Sanitary Board has no authority to permit a tubercular animal to be moved from one county to another county in the state for any purpose other than immediate slaughter.

June 20, 1917.

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

Dear Sir:

I am in receipt of your letter of the 12th inst. submitting the following:

“I have been requested to permit a bull that is suffering from tuberculosis to be moved from one county to another county in the State of Montana.

“ This bull is now held in quarantine as permitted by the Montana Statutes and the Regulations of the Live Stock Sanitary Board.

“I desire an opinion as to whether or not the Live Stock Sanitary Board has authority to permit a tuberculous animal

to be moved, under official quarantine restrictions, from one county to another county in the State of Montana, for other than immediate slaughter."

Section 25 of Chapter 157, Acts of the 15th Session (page 396), is as follows:

"Whenever tuberculosis is discovered in any bovine animal the owner of the tuberculous animal shall retain the animal or animals under restrictions or rules as the Sanitary Board may direct, or the animals may be destroyed and compensated for as in animals of the first class.

"Tuberculous animals may be shipped within the boundaries of this State under the direction of the State Veterinary Surgeon, or his deputy, to any abbatoir where proper post mortem inspection may be made by the State Veterinary Surgeon, his deputy or Federal Inspector. The inspection must conform with the meat inspection regulations of the United States Bureau of Animal Industry.. The carcass if passed on official state or federal inspection may be used for food."

This section after providing that such animals must either be held by the owner in quarantine, or be slaughtered, provides for the shipment of such animals, within the state to an abbatoir, that is shipped within the state for immediate slaughter, and I am of the opinion that the legislature by providing that such animals may be shipped within the state for immediate slaughter intended to prohibit the shipping of such animals, within the state, for any other purpose.

You are therefore advised that the State Sanitary Board has no authority to permit a tuberculous animal to be moved from one county to another county in the state for any purpose other than immediate slaughter.

Respectfully,

S. C. FORD,

Attorney General.