

Dairies—License—Goat Milk.

A person selling milk from goats is not required to take out a dairy license.

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

My dear Dr. Butler:

You have requested my opinion as to whether one who is selling milk obtained from goats is required to take out a dairy license.

Section 3282, Revised Codes of 1921, requires each person, firm or corporation conducting a "dairy" to secure a license issued by the Livestock Sanitary Board, and such section fixes the fee to be paid for such license at one dollar for a dairy of twenty "cows," or less, and two dollars for a dairy of more than twenty "cows."

Among other definitions of the word "dairy" is the following, "a herd of milk cattle," Funk. & Wagnalls New Standard Dictionary; while a "dairyman" is defined as "one who keeps cows for the production of milk and butter," Century Dictionary.

A "cow" is defined as "a mature female of the bovine or bos genus of animals," Funk & Wagnalls New Standard Dictionary, Century Dictionary; while a "goat" is defined as "a hollow horned ruminant mammal closely allied to the sheep," Funk & Wagnalls New Standard Dictionary, Century Dictionary.

If the word "cows" had not been used in Section 3282, but the word "animals" had been used in place thereof it is possible that the word "dairy" might be broad enough to include the business of selling milk from goats or other animals, but the word "cows" being used for the purpose of determining the amount of the license fee to be paid, it is my opinion that the meaning of such word cannot be extended so as to include "goats," and that, therefore, one who is selling milk from goats is not required to take out a dairy license.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.