

Dogs—Livestock—Quarantine—Animals.

The term "livestock" as used in section 3267 of the code does not include dogs.

Under the general authority contained in subdivision 4 of section 3267 the livestock sanitary board may quarantine dogs for infectious-contagious diseases transmittable to livestock but not to prevent the transmission of such diseases to domestic foxes or wild animals since the latter are not livestock.

February 10, 1928.

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

My dear Doctor Butler:

You have requested my opinion whether the livestock sanitary board is empowered to quarantine dogs for infectious-contagious diseases that are transmittable to livestock or domestic foxes or wild animals.

Section 3267 of the code gives the livestock sanitary board extensive control over "livestock" including the power to quarantine. It is, however, my opinion that dogs cannot be included in the term "livestock" as that word is used in section 3267 and elsewhere throughout the law relating to the livestock sanitary board.

The word "livestock" commonly denotes horses, cattle, and other domestic animals kept for profit and does not include such animals as cats and dogs. Thus in the case of *Selma St. Ry. Co. v. Martin*, 56 So. 601, the word "stock" (which is practically synonymous with "livestock") was held not to include dogs.

It is therefore my opinion that the power to quarantine livestock does not include authority to quarantine dogs.

However, subdivision 4 of section 3267 gives the livestock sanitary board authority to "do or perform such other acts or things as in their

judgment may be necessary or proper in the fostering, promotion, or protection of the livestock industry in this state.”

This general authority is, in my opinion, sufficient to authorize your board to quarantine dogs for infectious-contagious diseases that are transmittable to livestock. It would not, however, authorize such quarantine to prevent the transmission of diseases to domestic foxes or wild animals since the latter are not livestock.

Very truly yours,

L. A. FOOT,
Attorney General.