Livestock—Indemnity—Sanitary Board.

The owner of livestock is entitled to indemnity for the destruction of livestock though the same were not killed within the 60-day period provided for by subdivision 9 of section 3278 R. C. M. 1921, where the delay was due to the livestock sanitary board.

August 2, 1928.

Dr. W. J. Butler,
State Veterinarian,
Helena, Montana.

My dear Dr. Butler:

You have called my attention to section 3278 R. C. M. 1921, and particularly subdivision 9 thereof, and have requested my opinion whether when animals are not destroyed within the sixty day period therein mentioned the owner of the animal is entitled to indemnity when the delay was not due to any fault of the owner but was occasioned by and due to the livestock sanitary board.

It is my opinion that this section of the statute was intended by the legislature to operate as an inducement to owners of livestock to obey orders of the livestock sanitary board and that where the delay in destroying the animals was occasioned by the board rather than by the owner that this should not prevent the owner from receiving indemnity.

It is therefore my opinion that under the facts related by you the owner is entitled to indemnity though the animal was not destroyed within the sixty day period named in the statute.

Very truly yours,
L. A. FOOT,
Attorney General.