CATTLE TUBERCULOSIS: Power, rights and duties of
State Veterinarian in testing cattle.

December 28, 1936.

Hon. J. L. Axby,
State Veterinarian,
153 State House,
Indianapolis, Indiana.

Dear Sir:

I have before me your request for an opinion dated October
26, 1936, concerning your powers, rights and privileges as
State Veterinarian pertaining to testing cattle for tubercu-
losis according to federal regulations and state laws and regu-
lations made and provided.

This board elects an executive officer known as the State
Veterinarian. Acts of 1901, page 98, prescribes the duties
of a State Veterinarian. Section 5 of the Act authorizes the
State Veterinarian or his authorized agent at all times to en-
ter premises, farms, fields, pens, abattoirs, slaughter-houses,
buildings, cars or vessels, where any domestic animals are at
the time quartered or wherever the carcass of any one may
be, for the purpose of examining them in any way that may
be deemed necessary to determine whether they are or were
the subjects of any contagious or infectious disease. The act
further provides that in entering upon the grounds, as above
set out, they may call upon the sheriffs, constables and other
peace officers to assist them in the discharge of their duties.
This act provides that any person or persons, any company
or corporation, wilfully violating any of the provisions of this
act or any regulation or order of the State Veterinarian, or
agent appointed by him, shall be deemed guilty of a misde-
meanor and shall upon conviction be punished by a fine not
exceeding one hundred ($100.00) dollars, or by imprisonment
not exceeding thirty (30) days, or both, at the discretion of
the court.

The Acts of 1919, page 574, pertaining to tuberculosis of
cattle and method of control and the Acts of 1927, page 569,
pertaining to bovine tuberculosis, its control and extirpation,
etc., among other things, gives the State Veterinarian the
right of entry to ascertain whether or not the animals therein
are infected with tuberculosis. Section 8 of this act provides
the penalties for violation of the provisions of the act or of
the rules and regulations made in pursuance thereof. The
above laws, which are summarized briefly, constitute the au-
thority given you, also your rights and duties in seeing that
the herd that you mentioned is properly tuberculin tested.

It is my further opinion that the fact that the milk from
these non-tuberculin tested cattle is being pasteurized before
sale is not of itself sufficient to relieve the owner of the cattle
from the obligation of having them tested in accordance
with the above law for the reason that tuberculosis germs
may be disseminated in other ways than by milk produced
from the animals.

The acts of the legislature above summarized constitute
your authority to proceed with the enforcement of the act
and, in the event of refusal on the part of the owner of the
cattle to submit his herd to the proper test, you may file
charges against him for violation. The affidavit charging this
violation is prepared through the cooperation of the prose-
cuting attorney of the county where the violation occurred.

STATE BOARD OF TAX COMMISSIONERS: Lucrative of-
fices, whether county surveyor may also act as city en-
gineer.

December 28, 1936.

Hon. Philip Zoercher,
Chairman, State Board of
Tax Commissioners,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter submitting the following ques-
tion:

"Can the County Surveyor at the same time act as
City Engineer, both positions having a fixed salary?"

This question has been before this Department heretofore
and answered in the affirmative in an official opinion dated
December 21, 1934, and addressed to Indiana State Board of
Registration for Professional Engineers and Land Surveyors.

Opinions of Attorney General (1934), page 500.