

Hides—Beef—Inspection—Livestock—Sheriffs—Mileage.

Under chapter 121, laws 1927 beef or hides must be brought to the sheriff or inspector and the latter cannot charge mileage for going out to make inspections.

Beef or hides may be inspected either in the county where slaughtered or in the county where they are offered for sale. Application for such inspection must, however, be made by the butcher who slaughters the beef and cannot be made in another county by a person purchasing such beef from a butcher before inspection.

Ira J. Stagg, Esq.,
County Attorney,
Anaconda, Montana.

September 30, 1927.

My dear Mr. Stagg:

You have submitted the three following questions relative to the enforcement of the new butcher law, chapter 121, laws of 1927:

“First: Whether the beef must be brought to the sheriff or inspector, or does the sheriff or inspector go to the beef for inspection of same?

“Second: Can the sheriff on the performance of said inspection charge mileage for making inspection of beef?

“Third: Where beef is brought from the county in which it is slaughtered, and sold in another county, is it the duty of the sheriff of the county in which the beef is slaughtered, or the duty of the sheriff to which county the beef was delivered, to make the inspection thereof?”

The first two of these questions have heretofore been passed upon and the following conclusions reached:

That the beef or hide must be brought to the sheriff or inspector and that the latter is under no obligation to go out on call for the purpose of inspecting beef. This conclusion is based upon the fact that the use of the words “shall have the hide inspected,” in sections three and four of the act indicate that the burden is imposed upon the butchers and meat peddlers to produce the hide before the sheriff or an inspector, and do not contemplate that the latter shall travel about the county to make the inspection.

Second: The sheriff cannot charge mileage for making trips to inspect beef. This conclusion is based upon the fact that the act contains no provision for the payment of any mileage nor for any other compensation to the sheriff or inspector other than the ten cent inspection fee to be retained by the officer; also, upon the further fact that the language referred to in the preceding paragraph indicates that it is not the duty of the sheriff or inspector to leave his office for the purpose of going out and making inspections.

Your third question has not heretofore been considered by this office. It is true that the act does not designate in which county the hide or meat should be inspected. Ordinarily, one would expect that the butcher or meat peddler would present the hides or meat for inspection in the county of his residence and that the inspection stamp on the hide or on the quarter of beef would constitute authority to sell the beef in any county of the state and would be recognized in any county wherein the beef was offered for sale. This in my opinion was the intent of the act.

However, if a butcher or meat peddler offers meat for sale in another county other than in the one he has killed it there is no reason why he may not present the hide to the sheriff or to an inspector in such county and have it inspected. This, however, can only be done by the butcher or meat peddler who killed the beef. It would not be done by a second party who had purchased the beef from him in another county, for the reason that the said second party could not legally purchase said beef from the original butcher without an inspection stamp.

Applying this principle to the state of facts presented in your letter, it is my opinion that a butcher who slaughtered and dressed beef in Powell county may, if he desires, take the beef over to Deer Lodge

county and have it inspected and stamped in said county and may then sell it to another butcher in Deer Lodge county. The Powell county butcher cannot, however, sell the beef to the Deer Lodge county butcher without an inspection stamp, and if he does, it is not a sufficient compliance with the act for the Deer Lodge county butcher to take the matter to an inspector in his county and there have it inspected and stamped.

Very truly yours,

L. A. FOOT,
Attorney General.