

Butchers. Who Are.

The word "butcher" as used in Sec. 1795, Revised Codes, includes only such persons who slaughter cattle purchased or obtained from others for the purpose of slaughter, and which are then disposed of to the general public for food, and does not include a rancher or person who slaughters his own cattle whether they are sold to the general public for food or not.

April 13, 1912.

Hon. D. W. Raymond,
Sec'y, State Board Stock Commissioners,
Helena, Montana.

Dear Sir:

I am in receipt of your letter of March 29th, requesting my opinion as to who are butchers within the meaning of Section 1795, Revised Codes.

Sec. 1794, as amended by Chap. 72, Session Laws of 1909, provides that all persons slaughtering cattle must keep the hides with the ears attached for ten days and must exhibit the same for examination upon demand being made by any person.

Sec. 1795 requires all persons who are butchers and who slaughter cattle, to keep a record of the marks and brands of the cattle slaughtered by them, in a book subject at all times to inspection of the public, in which must be recorded the name of the person from whom the cattle are purchased together with his residence and date of purchase and delivery, and on or before the first day of each month must make two copies of such record and make affidavit to the correctness of the same, one of which is to be filed in the office of the nearest justice of the peace and the other in the office of the county clerk.

The ordinary meaning of the word "butcher" is one who kills cattle for human food, but it is evident from the wording of these two sections that the legislature did not intend to include within the meaning of the word "butcher" every person who slaughters cattle. All persons, whether they are butchers or not, who slaughter cattle must comply with the provisions of Sec. 1794, but only such persons who

are butchers and who slaughter cattle are required to comply with the provisions of Sec. 1795. This latter section contemplates that the cattle slaughtered have been purchased or obtained from some other person, for the record which is required to be kept is the brand of the animal and the name and residence of the person from whom it was purchased. The purpose of the section is to prevent persons who are in the business of slaughtering cattle from killing animals which do not belong to them and destroying the evidence of ownership.

It is therefore my opinion that the word "butcher" as used in Sec. 1795 includes only such persons who slaughter cattle purchased or obtained from others for the purpose of slaughter, and which are then disposed of to the general public for food, and would not include a rancher or person who slaughters his own cattle, whether they are sold to the general public for food or not.

Yours very truly,

ALBERT J. GALEN,

Attorney General.