

**Butchers, Record Kept by. Animals, Hides Preserved
Slaughtered Animals, Record of. Hides of Animals Preserved**

1. Every person who slaughters animals must preserve the hides for inspection as required by law.
2. A butcher who buys only the animal with the hide removed, is not required to keep any record.
3. A butcher who buys a slaughtered animal with the hide thereof, must keep the record in the same manner as if he had himself killed the animal.

January 8th, 1914.

Hon. Henry V. Beeman,
County Attorney,
Forsyth, Montana.

Dear Sir:

I am in receipt of your favor of the 20th ultimo regarding the construction to be given to Sec. 1794 and 1795, Revised Codes,
"As to whose duty it is to preserve the hides and record of slaughtered animals."

I think you have the correct view of the law, and as stated by you this question was once considered by this department in Opinions of Attorney General, 1910-12, Vol. 4, p. 435.

Sec. 1794, as amended by Chap. 72 Session Laws of 1909, require all persons, whether ranchmen, farmers or butchers, who slaughter cattle to keep the hides as required by the provisions of that section, while the succeeding section, 1795, concerning the records, etc., relates only to butchers. The word "butcher" has a well defined meaning in law, and as the statute gives it no other meaning, that meaning must be followed. The ranchman, or farmer, or butcher, or whoever slaughters the animals must keep the hide. Sec. 1793 provides that "all persons who are butchers and who slaughter cattle" must keep a record, etc., hence if a butcher buys a carcass with the hide removed, he is not required to keep any record at all, for there is nothing to be recorded, and, strictly speaking, the law does not seem to contemplate that anyone killing cattle will sell the same without removing the hide, but if the farmer does kill his own stock, and then sells the carcass to the butcher without removing the hide (if he has a right under the law to do this at all), it is then the duty of the butcher who buys the carcass with the hide on it to keep the record required by Sec. 1795. In such case the owner who slaughtered the animal would in effect be acting as the general agent of the butcher who purchased the animal with the hide on after slaughtering. Any other construction of this law would either prevent the farmer from selling the animal which he had slaughtered without removing the hide, or else would have the effect of destroying all record of the animal, as required to be preserved by these two sections.

Yours very truly,

D. M. KELLY,
Attorney General.