

Hides of Animals, to be Shown When. Peddlers of Meat, to Show Hide When. Venders of Meat, When to Show Hide. Section 8862, Construed.

When meat is sold not at a fixed place of business, the seller should carry the hide with him to expose to the purchaser of the meat.

May 15, 1915.

Hon. D. W. Raymond,
Secretary Board of Stock Commissioners,
Helena, Montana.

Dear Sir:

I am in receipt of your letter enclosing letter received by you from Mr. A. R. Sellars, Stock Inspector of Cutbank, Teton County, Montana, asking for the construction of a section of the statute, the number of which he does not give. From the wording of his letter, however, I in-

fer that he has reference to Section 8862, Penal Codes, which relates to the duty of a person selling beef to exhibit the hide of the animal. This section was formerly Section 1188 of the Penal Code of 1895, and was construed in connection with Section 4064, of the Political Code of 1895, which latter section required butchers to obtain a license from the county treasurer, but the license feature has since been repealed.

Chapter 22, Laws 1907.

Hence, Section 8862, must now be read with the phrase "except a licensed butcher" stricken out, and with this phrase eliminated, the section applies indiscriminately in its general terms to every one who sells beef. Without attempting any specific analysis of all the provisions of the section, I take it that the practical operation under the section is the end to be attained. We cannot say that everyone who sells a pound of beef must at the time of the sale exhibit to the purchaser the hide of the animal from which the meat was taken, for this, so far as regular butchers are concerned would be impossible; and on the other hand, we cannot hold that the seller of meat may relieve himself from the obligation of exposing the hide by telling the purchaser that the hide is at his place of residence, twenty miles back in the mountains. I take it that the hide must be where it can be expeditiously exposed to the purchaser, and that where a person travels about from place to place selling meat, that he should take the hide with him for the purpose of exhibiting it to the purchaser. The statement in the section that the hide must be at his place of residence, seems to presuppose that the sale will also take place there, but this does not do violence even to the wording of the section, for the ten days referred to in the section is ten days after the sale is actually made. The ten days referred to in Section 1794, Revised Codes, dates from the date of slaughter, but that in Section 8862 dates from the day of sale. Hence, this provision of the Section is not violated by the butcher taking the hide with him to the place where he makes the sale, nor does it prevent him from keeping the hide "for ten days after the sale at his place of residence."

Yours very truly,

D. M. KELLY,

Attorney General.