

**Beaver Skins. Sale of. Sale, of Beaver Skins When Made
Into Garments. Garments, Made of Beaver Skins.**

The provisions of Sections 8785, Revised Codes, as amended, apply to the sale of beaver skins manufactured into garments.

February 4, 1915.

Hon. J. L. DeHart,
State Game and Fish Warden,
Helena, Montana.

Dear Sir:

I am in receipt of your inquiry of the 13th ultimo, submitting the question:

“Do the provisions of Section 8785, Revised Codes, as amended, apply to the sale of beaver skins manufactured into garments?”

Section 8785 of the Revised Codes, as appears in the statute of 1907, was in effect repealed, and a new section enacted by Chapter 81 of the Session Laws of 1909, which latter section prohibits the sale of beaver skins within this state. If this law can be set at naught or evaded simply by sewing or fastening the skins together and then selling them as a garment, it is of no force or effect.

I am of the opinion that the provisions of the law do apply in whatever form the skins are offered for sale, although, of course, the burden is upon the state to prove all the facts necessary to establish the offense. It is immaterial whether the so called garments are manufactured within this state, or the skins sent out of the state, and the garments containing the skins returned to the State, and then offered for sale.

Any other construction would be to make the law a mere farce, and render it wholly inoperative.

Yours very truly,
D. M. KELLY,
Attorney General.