

**Butchers — Livestock — Wholesalers—Records—Exemptions
—Meats.**

A licensed butcher does not have to exhibit the hide of animal slaughtered with each delivery of meat but must keep and exhibit the same at his place of business, as provided by chapter 75, laws of 1923.

A person may buy meat from a licensed butcher or wholesaler without examining the hide and making the record, as provided in said act, when buying from a peddler or person not a licensed butcher.

A. G. McNaught, Esq.,
County Attorney,
Roundup, Montana.

November 6, 1925.

My dear Mr. McNaught:

You have requested my opinion on the following questions:

1. Under chapter 75, session laws of 1923, is a licensed butcher or wholesaler required to exhibit the hide, as provided by section 3 of said act, at the time and place of delivery of the meat?

2. Under said act is a person buying meat from a licensed butcher or wholesaler required to examine the hide and make the record provided for in section 6 of the act in question?

In answer to your first question, section 3 of this act provides in part as follows:

“Every person, firm, corporation or association who offers to sell, or sells or distributes any dressed bovine animals, or any

part thereof, and fails when so requested to expose to the purchaser the unmutilated hide of the animal with the ears attached

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This section does not require the wholesaler of meat to exhibit the hide with every order delivered for the reason that the sale is actually made at the wholesaler's place of business and not at the point of delivery where said delivery is made for the purpose of filling an order already received and it is presumed that if the purchaser is desirous of seeing said hide that he will make such request at the time of making the purchase which would be at the time and place where the sale was actually consummated. Your first question is, therefore, answered in the negative.

Your second question is somewhat more complicated. However, from a reading of the entire act it is clear that what the legislature intended was not so much to require both the seller and the purchaser to keep a complete record of the animals slaughtered as to provide some means of obtaining a check on individuals selling meat who were not licensed butchers as defined by section 4 of the act. Section 4 defines a licensed butcher as follows:

"A licensed butcher, within the meaning of this act, is any person, firm, corporation or association actually engaged in and conducting at a fixed location, a regular business in slaughtering of animals, or the sale of meats therefrom, to the public at retail, or wholesale, or any agent, manager, or other employe thereof in charge, or in control of said business."

While section 6 does not in so many words exempt one purchasing meat from a licensed butcher from making the examination and keeping the record therein provided, yet it would appear that had it not been the intention of the legislature to so exempt a purchase of this kind, and having defined licensed butchers and placed them in a special class, it would have included the words "licensed butcher" with the words "peddler or person" used therein.

I am strengthened in this belief by the fact that the nature and manner of conducting a wholesale meat business make it impossible to comply with this law in this respect.

Section 10520, R. C. M. 1921, provides as follows:

"In the construction of a statute the intention of the legislature, and in the construction of the instrument the intention of the parties, is to be pursued if possible; and when a general and particular provision are inconsistent, the latter is paramount to the former. So a particular intent will control a general one that is inconsistent with it."

Applying this rule, and for the reason above stated, it is my opinion that one who purchases meat from a licensed butcher or wholesaler need not make the examination or keep the record provided for in section 6 of this act.

Very truly yours,
L. A. FOOT,
Attorney General.