

Inspection—Livestock—Licenses—Butchers—Mileage — Sheriffs.

Under chapter 121, laws 1927, the sheriff is not required to go out on demand to inspect hides. The expense of such mileage, if any, is not a proper charge against the county.

The county commissioners may legally designate an employee of a slaughter house plant to make the inspection and reports required by the above act.

R. M. Hattersley, Esq.,
County Attorney,
Conrad, Montana.

June 8, 1927.

My dear Mr. Hattersley:

You have submitted the two following questions relative to chapter 121, laws of 1927:

“1. Where the sheriff’s office incurs necessary mileage in traveling to the point of inspection, who is responsible for the payment of such mileage—the person for whom the cattle are inspected, or the county?”

“2. In the case of a large establishment renting a slaughtering plant, is it possible for the sheriff to deputize employees of the slaughtering plant to make the inspection, reports, etc., required under the provisions of such act?”

Section 3 of the act reads in part as follows:

“All butchers and meat peddlers shall have the hide in its entirety with ears and tail attached of each beef inspected by a livestock inspector or deputy, or by a sheriff or his deputy, or by any person designated by the board of county commissioners.”

Section 4 of the act contains a similar provision and uses the language:

“Every person * * * must, before disposing of the hide * * * have the same inspected.”

I do not find anywhere in the act anything to indicate that it was the intention of the legislature to impose on the sheriff the duty to go out and make such inspections on demand. The bill contains no provision for the payment of any travelling expenses by the county. Furthermore, the use of the words "must have the hide inspected," and the further fact that the act makes no mention of the payment of expenses nor of any fee except the ten cents to be retained by the inspector, leads me to conclude that the expense of mileage, if any, cannot be paid by the county but must be borne by the person procuring the inspection. The latter may either take the hides to the sheriff or other inspector at the latter's usual place of business or he may make private arrangements with the sheriff to go to some other place and there make the inspection.

As to your second question, it appears from the above-quoted language of section 3 that the board of county commissioners is given the power to designate "any person" to make the inspection. While you may be correct in your view that the sheriff could not deputize another person to make the inspection, it is clear that the commissioners may do so, and I know of no objection to their designating an employee of a slaughtering plant to make such inspection and report.

Very truly yours,

L. A. FOOT,
Attorney General.